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SOME ASPECTS OF THE AGRARIAN QUESTION IN MEXICO

A HISTORICAL STUDY

by

HELEN PHIPPS



Studies in History No. 2

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The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of democracy. . . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar

PREFACE

The present work is not an attempt to consider the origin and development of the agrarian problem of Mexico in detail. It represents merely an effort to ascertain, from a survey of the economic institutions of the country, some of the causes for the turbulence of its history since the separation from Spain. Political issues do not sufficiently explain the state of upheaval which—with the exception of the thirty years or so of outward calm during the presidency of Porfirio Díaz—prevailed in Mexico for a century and more after 1810.

Since the acute agrarian situation that existed in 1910 had developed principally during the period subsequent to the attainment of independence, it may seem that an unduly large proportion of space has been devoted to the colonial era. The explanation of the apparent disproportion in treatment is to be found in the persistence of colonial institutions that during three centuries had become firmly incorporated in the life of the people, and also in the lasting influence of those institutions upon the entire economic history of the country. How deeply rooted they are is evident from the fact, for example, that within the present decade it has been found advisable after a century of experimentation to re-establish in Mexico, at least temporarily, some features of the system of land tenure that existed under Spanish rule.

The author wishes to express her deep appreciation for the generous and able assistance of Professor W. R. Shepherd, under whose direction this study was written. Valuable suggestions were made by Professors Federico de Onís, H. A. Todd, Joseph P. Chamberlain and Julius Goebel, Jr. Acknowledgment is made for the encouragement and inspiration received from Professors C. W. Hackett and M. S. Handman, both of whom have been instrumental in awakening interest in the subject with which this piece of work attempts to deal.*

*This study has been accepted as a doctoral dissertation at Columbia University.

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INTRODUCTION

That there should be land hunger and an excessively large landless class in a country with a population of fifteen millions and an area of 767,000 square miles and that those conditions should have existed when the population was much smaller and the area much larger seem, at first thought, paradoxical. The causes of the agrarian problem of Mexico have been many and diverse—physical, economic, ethnic, political, historical, legislative and moral. While the first-named set of causes—climate and topography—have remained unchanged throughout the history of the country, the other causes have developed more or less gradually as history unfolded. The physical causes, therefore, require at least a brief preliminary exposition. The agrarian history of Mexico has been greatly influenced by the topography and climate of the country.

The eastern and western cordilleras, from the knot of convergence in the southern and narrow portion of the triangle that the country resembles, spread out northward like a great half-open fan, enclosing and forming the rim of the high central plateau, which gradually descends from its apex at Mexico City, northward until it merges into the plains of Texas. The outer slopes of the cordilleras descend precipitously to the terrace-like succession of relatively level table-lands, then finally to the tropical coastal plains, the lower steps of the terrace being prolonged in the peninsula of Yucatán on the east and of Lower California on the west. The two cordilleras also, with their many spurs, stretch over the country like a gigantic net, whose meshes hold rich mineral veins within and forests of precious cabinet woods without. The watershed, along the center of the plateau, roughly speaking, sends rivers to both oceans, except in the north where the streams are small and intermittent.

The rainfall of Mexico takes place in the summer months, the winter precipitation being scarce and irregular. On the central plateau it is relatively light and becomes increasingly so toward the north. On the outer slopes of the cordilleras

it is abundant, but owing to the extreme porosity of the soil and the very precipitous declivity, it either is absorbed rapidly and flows in underground channels, issuing forth in the coastal plains, or it seeks the clefts and ravines of the mountains and descends in a series of cascades, until it reaches those plains, through which it flows quietly to the sea. The plains, therefore, have a great number of rivers, but they are small and short and, for the most part, not navigable except to small craft and that for only a short distance. In the Tehuantepec region the rainfall is torrential and the vegetation, consequently, rank and tropical.

As to climate Mexico is divisible, according to altitude, into the hot country, the temperate country, and the cold country, these terms being applied respectively to the coastal plains, the lower slopes of the cordilleras, and the central table-land, a great part of which is eight thousand feet above sea-level; but the transition is of course gradual and all intervening shades of temperature exist. Of the 490,000,000 acres of Mexico's area, about 120,400,000 acres are pastoral lands and 44,000,000 acres forest. Only about 25,000,000 are arable with the present amount of irrigation, and it is estimated that scarcely one-fourth of the total area would be fit for cultivation, even if irrigation were general.¹

The bulk of the population is on the central plateau,² for there alone is the climate relatively invigorating and there alone can cereals be raised in abundance. Even in this section much of the land has to be irrigated. The plateau is divided by two spurs of the cordilleras into three well-defined zones. The central one, of which Mexico City forms the heart, is the most important, since it produces both wheat and corn and also beans (*frijoles*) in abundance, and is the only portion of the country that produces these essential articles in a quantity superior to local needs.

¹*Mexican Yearbook*, 1920-1921, pp. 92, 254. Los Angeles, 1922.

²Approximately 75 per cent of the population is on the plateau, 15 to 18 per cent in the foothill region of the Cordilleras, and 7 to 10 per cent in the coastal plains. *Yearbook*, p. 339.

Hence the entire history of Mexico shows a struggle for the control of this region.

The southern zone produces cereals in its upper reaches, and in the lower part semi-tropical fruits, coffee, and sugarcane. It is well watered with abundant rains and plenty of streams. Its broken soil affords few wide expanses appropriate for large-scale cultivation; it is pre-eminently adapted to small holdings, yet is owned in relatively large tracts for the most part. Another important area for the production of cereals embraces the greater part of the state of Chiapas. Structurally it is not a part of the central table land, but of the Central American plateau. The northern zone of the plateau, the largest of the three, has only two small agricultural sections, one in Coahuila, the other in Chihuahua, centering in the towns of Saltillo and Chihuahua respectively. The rest of the region, though it is arid and the seasons are uncertain, is fairly well adapted to stock-raising.

The outer slopes of the cordilleras present successive zones of different climate and character, from bleak, arid mountain peaks to temperate plains; but the precipitous decline, torn by deep gorges and steep ravines, matted with thick forests that abound in beasts of prey, and furrowed by rushing mountain torrents, contains but little land adaptable to cultivation. With an abundance of water power, this is the industrial region of the country. The few agricultural areas produce cereals, but not so abundantly or of so good quality as does the central zone of the plateau, and the harvest is very uncertain.

The coast regions produce rice, cacao, yucca, indigo, vanilla, rubber, cabinet and dye woods, tropical fruits and palms. The rainfall is abundant and the climate very insalubrious. At a slightly greater altitude coffee, sugarcane, and tobacco are produced. Yucatán is a region of one product—henequen—and Lower California of none in particular. It is evident then that Mexico, however rich in minerals, is a poor country agriculturally and could not

support a large or even a moderate population unless all acreage available for the purpose were under cultivation.³

³Andrés Molina Enríquez, *Los grandes problemas nacionales*, Chap. 1. Mexico, 1909.

CHAPTER I

LAND TENURE PREVIOUS TO THE CONQUEST

At the time of the Spanish Conquest in the early sixteenth century, there were some six hundred¹ Indian tribes within the limits of what is now Mexico, speaking many different languages and dialects and at various stages of development. Within the principal cereal region—the middle and southern zones of the central plateau—were the three allied “kingdoms,” México, Acolhuacán, and Tlacopán, the “kingdom” of Michoacán, the “republics,”² Tlaxcallán, Cholollán, and Huexotzinco, and various other smaller groups. Each of the so-called kingdoms consisted of a strong tribal city, together with a number of villages which the tribe had conquered and rendered tributary. Mexico was the strongest of the three and had such villages as far away as the coast country—four hundred in all, according to one³ account, six hundred and fifty-five according to another.⁴

Throughout the arid northern zone and on the outer slopes of the cordilleras lived tribes that were perforce nomadic, that had no idea whatever of the ownership of real property or even of its possession. Perhaps not even occupation meant anything to them from the standpoint of proprietorship, since down to the present day many of the

¹Manuel Orozco y Berra, *Geografía de las lenguas y carta etnográfica de México, precedidas de un ensayo de clasificación de las mismas y de apuntes para la inmigración de las tribus*, pp. 67–76. Mexico, 1864.

²The terms “kingdom” and “republic” used by the early Spanish writers in this connection, naturally do not have their usual connotation, but were employed for lack of more exact terms.

³Hubert Howe Bancroft, *The Early American Chroniclers*, pp. 33–34. San Francisco, 1883.

⁴C. A. Neve, “Estadística de Anáhuac, mandada formar después de la toma de México en 1519, por el conquistador Hernán Cortés, con algunas observaciones de C. A. Neve.” *Sociedad mexicana de geografía y estadística*, Ser. II, Vol. II, p. 451.

northern tribes are still nomadic.⁵ Some of the tribes on the slopes of the cordilleras were more or less sedentary, living in villages and cultivating the soil in a rudimentary manner, but changing their place of abode as often as was demanded by the exigencies of rainfall and season.

The Indians of the area favored by nature—the central and southern zones of the central plateaus—were much further advanced; but even they had not attained to the conception of individual ownership of real property, or even of communal ownership apart from actual occupation. In other words, they were at the period of *possession* in the scale of property concepts⁶ and were tending toward the abstract conception of ownership by the community. They had developed considerable skill in agriculture, though they used no domestic animals. They practiced irrigation in a manner so skilful and well regulated that after the Conquest the Spanish king ordered by royal decree (November 20, 1536) that their system should be preserved and that the Indian officials who previously had been in charge of dispensing the waters should be retained and should be empowered to perform that office for Spaniards as well as Indians.⁷

⁵Molina Enríquez, p. 26; *División territorial del estado de Chihuahua. Noticia alfabética por distritos, de las ciudades, villas, pueblos, haciendas, ranchos, rancherías y congregaciones existentes en el estado de Chihuahua*. Chihuahua, 1909.

⁶Some eminent Mexican scholars, such as Riva Palacio and Pimentel, maintain that the Indians of Yucatán had individual ownership and inheritance of real estate, but the fact does not seem sufficiently established by them. Vicente Riva Palacio, *México a través de los siglos. Historia general y completa*, Vol. I, p. 658. Barcelona, 1888; Francisco Pimentel, *Memoria sobre las causas que han originado la situación actual de la raza indígena de México y medios para remediarla*, p. 36. Mexico, 1864.

⁷*Recopilación de leyes de los reynos de las Indias, mandadas imprimir y publicar por la Magestad Católica del rey Don Carlos II nuestro señor. Va dividida en cuatro tomos, con el índice general y al principio de cada tomo el especial de los títulos que contiene*. Quinta edición, libro 4, título 7, ley 11. Madrid, 1841.

The natives of Mexico had no idea of public domain, and the sovereign's dominion was not over the lands of his subjects, but merely over their persons. This is evident from the fact that vanquished tribes were simply required to set aside certain definite tributary lands, cultivate them in their own way, and turn over the harvest to taxgatherers or send it to the capital city. The tributary lands themselves continued to be held by the tribes concerned and no part of their territory was ever converted into the domain of the victor.⁸

No tribe laid claim to any lands of which it was not in actual possession. So the villages did not have their own forests and uncleared land for hunting, fishing, fuel, and water, as was usual in later Spanish times, but merely held their agricultural land and roamed at will for game, fish, and forest products.

Customs in regard to land tenure will be most easily understood by considering first the original form: a small village composed of one *calpulli*,⁹ or kinship group, which was the unit of social organization and land tenure.¹⁰ The

⁸A. F. A. Bandelier, *On the Distribution and Tenure of Lands and the Customs with Respect to Inheritance among the Ancient Mexicans*, p. 415, note, p. 418. Salem, 1878; Alonzo Zurita, *Breve y sumaria relación de los señores, maneras y diferencias, que avia de ellos en la Nueva España*, in Joaquín García Icazbalceta, *Nueva colección de documentos para la historia de México*, Vol. III, p. 98. Mexico, 1886-1892.

⁹Zurita, p. 93.

¹⁰Probably the best and clearest account of the land tenure and social organization of the aborigines of Mexico is given by Zurita, whose statements are worthy of credence for many reasons. He spent nineteen years in the New World, eleven of which were passed in New Spain. He was *oidor*, or judge, successively of the *audiencias*—which were courts of justice and administration—of Santo Domingo, Los Confines (Central America), and Mexico. Because of his legal knowledge and judicial experience he was bound to acquire an understanding of the Indian land system, which continued, as he again and again states, for many years after the Conquest. In fact, most of his statements are made in the present tense.

In 1553 Charles V sent a royal *cédula*, or decree, to the *oidores* of all the *audiencias* of his American dominions, asking certain definite

aggregate of the tillable lands of the villages was called the *calpulalli*,¹¹ or lands of the kindred, and was held by the *calpulli* in perpetual and inalienable tenure.¹² The assignment of lots, *milpas* or *tlalmilli*, to heads of families was in charge of an official whom Zurita calls variously the *pariente mayor*, *el señor de tercera manera*, *el viejo*,¹³ *el principal*, *cabeza*, *calpullec*, *chinantal'ec*. This *pariente mayor* kept a map of the lands, marking the boundaries, the names of the occupants, the quality of the various tracts, indicating which ones were in cultivation and what crops were raised, and renewing the map as often as was made necessary by reallocation or changes in assignment.¹⁴ Long after the

questions about Indian customs. The missionaries had complained that the Indians were suffering extortion at the hands of the administrative authorities, and the king wished to assure himself that they were at least faring no worse than in the days of their "infidelity." The decree arrived in the interval between Zurita's last two charges, so that he did not have the privilege, as he regarded it, of replying from either place; but he began an investigation of the questions, interviewed old Indians, studied their maps, and several years later (1558), when the duties of office no longer pressed upon him, he wrote the belated, but very entertaining and convincing account which he sent to the king. He states that his description refers to New Spain in general and not to any particular tribe or region.

¹¹The suffix *-alli* or *-tlalli* means lands.

¹²Riva Palacio. Vol. I, p. 565; Bancroft, *Native Races of the Pacific*, Vol. II, p. 187. New York, 1874-1876.

¹³He was in general literally an "old man," for only one of ripe maturity was chosen for the office and he was retained the rest of his life. "The Anonymous Conqueror" tells of seeing one reputed to be more than 120 years old, lording it over his villages. Many of the early Spanish writers speak of the idleness and overbearing tyranny of these old men. During the colonial period they were generally referred to by the Spanish as "*el principal*," "*el cacique*," or "*el gobernador*," and the custom of electing an elderly man gradually died out.

¹⁴Lucien Biart relates that as late as 1887 many villages still carefully preserved these maps, and that he tried in vain to acquire that of the little village of Tilapa in the Orizaba Valley. *The Aztecs, Their History, Manners, and Customs*, from the French of Lucien Biart. Authorized translation by J. L. Garner, p. 189. Chicago, 1887.

Conquest these picture-maps were used by Spanish magistrates to decide disputes concerning the possession of land.¹⁵

There was no written title to the individual lots, no sense of private ownership; but the usufruct of them was transmissible, if the holder so desired, from father to son—a practice which was tending toward the conception of private property and inheritance. The members of the *calpulli* defended their lands tenaciously from inroads of other groups. There were frequent quarrels and struggles regarding them—"and there still are," Zurita remarks. They condemned to death those guilty of displacing landmarks or boundaries.¹⁶ They did not permit lots to be transferred permanently to members of other *calpulli*¹⁷—because they wished to keep the lineage pure—and subjected them to forfeiture, in case the lands were not cultivated for two successive years. Any enterprising individual who wished to till more than the space allotted to him could rent an additional plot from another *calpulli*, if his own group had no available extra land. If a family became extinct, or moved away for any reason, its allotted tract reverted to the *calpulalli*, some portion of which was always held in reserve for individuals who might marry, or for extraordinary needs.

In the most primitive form of organization the *pariente mayor* merely had his share of land, as a member of the *calpulli*, and it was cultivated for him by the rest of the kinship group in common, so as to give him time for his official duties.¹⁸ But as the population grew and it became

¹⁵Francesco Saverio Clavigero, *The History of Mexico*. Collected from Spanish and Mexican historians, from manuscripts and ancient paintings of the Indians. Together with the conquest of Mexico by the Spaniards, illustrated by engravings. With critical dissertations on the land, inhabitants, and animals of Mexico. By Abbé D. Francesco Saverio Clavigero. Translated from the original Italian by Charles Cullen, Vol. II, p. 138. Philadelphia, 1817.

¹⁶Biart, p. 229.

¹⁷Clavigero, Lib. VII, cap. 12; Zurita, p. 51; p. 93; Biart, p. 191; Bancroft, *Native Races of the Pacific*, Vol. II, p. 226.

¹⁸Bandelier, pp. 410-411.

necessary to have a more elaborate organization, there were two gradual developments. First, the *pariente mayor* began to be considered as in a different class from the rank and file of the *calpulli* and his share of the *calpulalli* took the name *pilalli*, lands which are erroneously referred to by many writers as "patrimonial estates." Thus an aristocracy was created; sometimes, too, these aristocratic officials, taking advantage of their power, usurped part of the people's land.¹⁹ Second, the *tecpán*, or council-house, came into existence; and lands, *tecpán-tlalli*, were assigned for its maintenance.²⁰ It was used as a meeting-place for the *calpulli*, as a place for entertaining delegations from other *calpulli*, and for feeding the poor and incapacitated.²¹ The *pariente mayor* and his family lived in the *tecpán*, which was cared for by serfs (*mayeques*); and the lands belonging to the council-house were cultivated in common by serfs, a class which was probably all too numerous.²²

In some tribes the office of *pariente mayor* was hereditary, but in most of them it was elective,²³ and the possession of the lands, or the use of their proceeds, went with the office. When a *pariente mayor* died, his children continued to live in the *tecpán*, were supported by the proceeds of the *tecpán-tlalli*, and were treated with the greatest respect and defer-

¹⁹Bancroft, *Native Races*, Vol. II, p. 226.

²⁰Bandelier, p. 406.

²¹Zurita, pp. 156-157.

²²Both serfdom and slavery existed in pre-colonial Mexico. Among the Aztecs there were seven crimes punishable with slavery; some poor or indolent persons voluntarily sold themselves into slavery, especially in times of food scarcity; and sometimes prisoners of war were thus saved by their captors from the sacrificial stone. When the Aztecs besieged a town, if it had to be taken by force, the whole population was reduced to slavery. Bancroft, *Native Races*, Vol. II, p. 191; Zurita, pp. 109, 156-157; Niceto de Zamaçois, *Historia de Méjico desde sus tiempos más remotos hasta nuestros días*, Vol. X, pp. 937-939. Barcelona, 1876-1902.

²³*Instrucciones que los vireyes de Nueva España dejaron a sus sucesores. Añádense algunas que los mismos trajeron de la Corte y otros documentos semejantes a las instrucciones*, pp. 236-237. (Mendoza to Velasco, 1544.) Mexico, 1867.

ence because of their lineage. Thus it is easy to see the origin of the large numbers of "nobles" spoken of by the early Spanish writers.

In addition to the lands for allotment and the official lands cultivated for the *pariente mayor*, each *calpulli* had a tract, called *milchimalli* or *cacalomilli*,²⁴ according to the kind of grain raised on it, set aside for the maintenance of the army and cultivated in common, according to the assignment of the *pariente mayor*, or perhaps in some cases by slaves or serfs. Then finally there were the temple lands, cultivated by *mayequés*, or serfs, destined for the maintenance of the large sacerdotal class and the many *teocalli*, or temples. These lands²⁵ were very extensive and were of the best, because in addition to furnishing sustenance for the large numbers of priests and neophytes, the serfs that cultivated them were required to keep the temples continually stocked with stores of food for the frequent religious festivals when the populace must be fed.²⁶ Hence it is probable that after the Conquest the Indians found it quite natural to contribute alms and parochial fees, to perform personal services for the clergy, to cultivate the ecclesiastical estates and to build churches and monasteries without remuneration; though under Spanish rule there was the added hardship of being required to contribute individually, whereas under their own system they had done so as a body.

If a village were subdued by some other village or tribe, then, in addition to the lands for allotment, temple lands, army lands, and lands for the maintenance of the *tecpan*, it would have tributary lands, *yaotlalli*,²⁷ set aside to be cultivated in common or by slave labor,²⁸ the proceeds to be

²⁴Biart, p. 191; Bancroft, Vol. II, p. 226; Clavigero, Vol. II, p. 141.

²⁵Zurita, pp. 217-218; Biart, p. 150.

²⁶Riva Palacio thinks that the servitude of the common people began with their service to the temples (Vol. I, p. 322).

²⁷Bandelier, p. 419; Zurita, p. 167; Bancroft, p. 226.

²⁸Probably the former method was the primitive custom, and the latter grew up gradually as population increased and tribal life became more complex.

delivered to the king or chief of the conquering tribe. Thus the later obligation of paying tribute to the king of Spain did not involve a violent change from Indian practice except in the sense that payments had to be made by individuals and not by the community. The amount of tribute exacted by the conquering tribe was not in proportion to the area subdued, but to the number of individuals composing the tribe,²⁹ which is another evidence that dominion over land was not conceived of by the aboriginal Mexicans.

Villages composed of only one kinship group were probably rather rare at the time of the Conquest. As the original *calpulli* grew in population segmentation³⁰ occurred and the number of *calpulli* in the village or tribe increased.³¹ The aggregate territory of one of these larger units, whatever the number of *calpulli* composing it was called *altepetlalli*,³² or "lands of the tribe." There was thus a tribal organization superimposed upon the local organization of the *calpulli*; there was a tribal *tecpan*, with lands for its support, which was the residence of the *señor supremo*, as Zurita calls him, that is, the king or chief.

Each *calpulli* composing this larger organization and each one tributary to the larger organization sent to the tribal *tecpan* a representative, who was called the *tlatoaca*, speaker or judge. For the maintenance of this official there were also lands, called *tlatocatlalli*³³ or "lands of the speaker." The size of this tract is mentioned³⁴ definitely as "four

²⁹*Documentos inéditos del siglo XVI para la historia de México, coleccionados y anotados por el P. Mariano Cuevas, S. J.; publicación hecha bajo la dirección de Genaro García por el Museo Nacional de arqueología, historia y etnología*, p. 221. Mexico, 1914.

³⁰Bandelier, p. 405.

³¹When the Mexica or Aztecs reached the end of their wanderings (circ. 1196) and founded their capital, Tenochtitlán, they had been reduced by war, famine and pestilence from seven *calpulli* to five, but by the time of the Spanish Conquest, in 1519, they had increased to twenty-one and constituted the largest tribe in the country.

³²Clavigero, Vol. II, p. 141.

³³Zurita, p. 109; Bandelier, p. 419 *et seq.*

³⁴Bandelier, p. 420, note.

hundred of their measures on each side, each measure being equal to three Castilian rods."

There were other residents of the tribal *tecpan* called *teules* or *teotecutzin*,³⁵ who were appointed for life by the king or chief as a reward for valor on the battle-field or notable service of any kind to the tribe. They may be the "Knights of the Eagle" and "Knights of the Tiger," famous in Mexican legend. They were given lands for their maintenance and serfs to till them, not as an absolute gift, but as a concomitant of the honor. When one of the *teules* died, the king appointed another to take his place, giving preference to the sons of the dead warrior and conferring upon the successor both lands and serfs in usufruct.

From this brief exposition of the probable conditions of land tenure in the pre-colonial Mexico several points stand out which are important for the later history of the subject. First, communal land tenure prevailed; second, the privileged classes were large and strong; third, the masses bore the heavy burden of the maintenance of the aristocracy and priesthood; fourth, actual slavery existed on quite a large scale.

The number of "nobles" is estimated³⁶ by a reliable authority as 120,000. They had no occupation but war and that was intermittent. The priesthood was also an economically unproductive class. Probably both these classes were increasing rapidly and were encroaching more and more upon the liberties of a formerly democratic organization. The strongest evidence of this class distinction and tyranny is the testimony of the early Spanish writers to the utter abjectness, servility and humility of the *macehuales*, or peasants. It finds support also in the fact that there appears to be no language in which the use of deferentials is carried to such extremes as in some of the Indian dialects, which have deferential forms not only for pronouns and verbs, but for adverbs, prepositions, conjunctions and all

³⁵Zurita, p. 92 *et seq.*; Clavigero, Vol. II, p. 139.

³⁶Neve, p. 451.

parts of speech.³⁷ A great gulf was fixed between the commoner and the aristocrat, whose attitude toward each other was that of cringing humility on the one part and of haughty contempt on the other.³⁸

³⁷Frederic Starr, "The Mexican People," *Journal of International Relations*, Vol. XI, pp. 7-26, p. 17.

³⁸Bandelier's and Morgan's contention that the Aztecs and by analogy all the other tribes of pre-colonial Mexico, were military democracies is probably true to the extent that they had passed through that stage. At the time of the Conquest, however, the tribes of the central and southern zones of the central table-land of Mexico had advanced as far along the road of civilization as the point where the many serve the few.

CHAPTER II

LAND TENURE IN THE COLONIAL PERIOD

The system of land tenure which the Spaniards brought to the New World retained marked vestiges of communal customs, despite the strongly individualistic influence of the Roman law which had prevailed in Spain for so many centuries. The free towns, because of royal favor and protection, had been able to retain their lands. Some of these dated back to the Visigothic era, others had been bestowed by the king when the town was incorporated, and still others had been won by force of arms during the Reconquest.

The territory of the towns was of two classes—the municipal lands and the communal. The former, called *propios* or *bienes concejiles*, were either cultivated by all the inhabitants in common or by rotation, or else they were rented or leased, the proceeds in any case being applied to municipal support. The communal lands proper—*bienes comunales* or *bienes de provechamiento común*, consisted of woodland (*monte*), pasture (*pasto* or *dehesa*), and the *ejido*,¹ which was a tract on the outskirts of the town, used as a place for threshing grain and as a meeting place for the community. Some small villages even owned their agricultural lands (*tierras labrantías*) in common. These various tracts were either held undivided or they were subdivided and apportioned to individuals yearly, or every two, three or five years. The former method was more usual for forest and pasture, the latter for tillable land. In case the woodland was kept undivided, each inhabitant had the right to hunt and fish in it, and to supply himself, from any part of it, with firewood, timber, lime, *esparto* grass for rope and sandals (*alpargatas*), or with whatever the

¹The word *ejido* has been used a great deal in the loose sense of "communal land." The term *los ejidos* is sometimes used to indicate the various communal tracts taken collectively.

tract yielded.² Both municipal and communal lands were inalienable. The former furnished revenues for the maintenance of the town, the latter assured a livelihood to each individual.

Sufficient similarity existed between these characteristics of the Spanish system of land tenure and the system used by the Indians of the Mexican plateau, to furnish a basis for the amalgamation of the two during the colonial period. As in Spain private and communal ownership of property existed side by side, so in New Spain the same situation developed, but with a larger proportion of communal tenure than in the home country.

The origins of private property in New Spain were diverse—grants (*mercedes*) of sovereigns, *repartimientos*, or allotments of land by Cortés, by the first and second *audiencias*, by viceroys, governors, and *alcaldes mayores*³ to individual *conquistadores*,⁴ *pacificadores*, colonists, and Indian *caciques*, or chiefs. The origins of communal property were also various: the lands of villages not disturbed by the Conquest, of new Indian villages that were founded, of cities, towns and villages established by Spaniards, and of other communal groups of Indians, Spaniards, or *mesti-*

²Rafael Altamira y Crevea, *Historia de España y de la civilización española*, Vol. II, pp. 408–411; Vol. III, pp. 426–430, Barcelona, 1900–1911; Altamira y Crevea, *Derecho consuetudinario y economía popular de la provincia de Alicante*, pp. 32–37. Madrid, 1905.

³*Alcaldes mayores* exercised judicial and administrative authority over districts (*partidos* or *alcaldías mayores*). As they had to pay for the office, they were prone to make it profitable by extortion and engaging in commerce, though this was forbidden by law. G. Desdèvis du Dezert, *L'Espagne de l'ancien régime. Les institutions*, pp. 159–160. Paris, 1899; Herbert Ingram Priestley, *José de Gálvez, Visitor-general of New Spain*, pp. 60, 290. Berkeley, 1916.

⁴*Conquistadores* were those who took part in the conquest proper, ending with the fall of Tenochtitlán; *pacificadores* were those who continued the work of extending the frontiers of Spanish rule. In allotment of land preference was given to *conquistadores*, then *pacificadores*, and finally colonists (*colonos*). The military leaders were given large grants, the common soldiers rather small ones. Each private of the cavalry received a *caballería* (about 105 acres) and each of the

zos.⁵ All urban centers, whether of natives or whites, were supposed to consist of three classes of land: the *casco* or *fundo legal*, which was the townsite proper, the *propios* and the *ejidos*. The minimum townsite for Indian villages was a square of twelve hundred by twelve hundred *varas*,⁶ and the minimum *ejido* was a square league (about 4,390 acres).⁷

It was the intention of the Spanish sovereigns not only to conserve the land system of the Indians, but to confirm them in the possession of the identical lands they had held before the Conquest. This was extremely difficult of accomplishment because of the scarcity of good land; in fact, all the best land of the plateau was held by Indians when the Spaniards arrived. Therefore it was inevitable that a keen contest should take place between natives and whites for the possession of the desirable areas, and that the advantage should lie with the more advanced race. The struggle was made all the more intense because the choice land was held by the Indians that were rather civilized, had arrived at the conception of possession of real property, and therefore clung tenaciously to their holdings.

The bitterness of the conflict was tempered by the interposition of the Spanish sovereigns and their active protection of Indian property rights. A veritable struggle went on, throughout the colonial era, between the kings, animated by a noble zeal for the well-being of the aborigines, and the colonial government which winked at the excesses of unscrupulous adventurers. The task of the Spanish rulers was further complicated by distance, the conflicting accounts brought to them, the consequent difficulty of understanding

infantry a *peonía* (about twenty acres); but in some cases the former received as many as three, and the latter five, allotments. Antonio Rodríguez de León Pinelo, *Tratado de confirmaciones reales de encomiendas, oficios y casos en que se requieren para las Indias Occidentales*, p. 168. Madrid, 1630.

⁵Persons of Spanish and Indian blood.

⁶The *vara* is equivalent to 33.38 inches.

⁷Francisco Maza, *Código de colonización y terrenos baldíos. Años de 1451 a 1892*, pp. 11-14, 25-28. Mexico, 1893; *Recopilación*, 4-3-8.

the situation, and the varying degrees of advancement of the Indians themselves. Furthermore, the sovereigns were constantly hampered by the clashing interests of Spaniard and native, and a desire to do the utmost for both.

The Laws of the Indies have been called "the code of privileges," because they consist so largely of provisions designed for the protection of the aborigines in their persons and property. Laws could not be made more emphatic than those regarding the property rights of the natives.⁸ A bull of Pope Paul III (1537) declared that all Indians, even infidels, were to be respected as to their personal liberty and property.⁹ Excommunication with absolution only by the Holy See was proclaimed as the penalty for extreme cases of encroachment.¹⁰ Officials guilty of usurping the possessions of Indians were to be prosecuted "even to the penalty of death."¹¹ Offenses against natives were to be punished with greater severity than those against whites and to be regarded as public crimes.¹² There is scarcely a law dealing with questions of land tenure and property that does not contain a plea that the Spaniards deal gently with the Indians. Indian villages were to be allowed to retain the lands they already had at the time of the Conquest, and were to be given more besides.¹³ Absolutely no encroachment upon their territory was to be tolerated by the authorities. Pasture lands and uncleared forests, even though a part of private estates, were to be exploited and enjoyed by the natives. Landholders, after harvesting their crops, were to allow the land to be used

⁸ León Pinelo, p. 171; *Recopilación*, 4-11-7, 10; 4-12-9, and many other laws.

⁹ Genaro García y Carlos Pereyra, *Documentos inéditos o muy raros para la historia de México*, Vol. XV, p. 258. Mexico, 1905-1911.

¹⁰ Juan de Solórzano Pereyra, *Política indiana*, Madrid, 1648, cited by Fernando González Roa, *El aspecto agrario de la revolución mexicana*, p. 291. Mexico, 1919.

¹¹ *Recopilación*, 6-4-35.

¹² *Ibid.*, 6-10-21; García y Pereyra, Vol. XV, p. 31.

¹³ Maza, pp. 17, 24.

as pasture by the Indians.¹⁴ The privileges of the *mesta*¹⁵ were not to be interpreted as involving the right to infringe upon Indian landed property.¹⁶

A special "protector of Indians" was appointed. Vice-roys and *audiencias*, prelates, friars and priests were to consider themselves in a peculiar sense guardians of the interests of the aborigines. A special court, the *Juzgado de indios*, was established to handle their cases.¹⁷ With the purpose of preventing them from losing their property through the machinations of sharpers, a decree was issued¹⁸ providing that their lands could be sold only by judicial authority, at public auction, and after having been advertised for sale thirty days.¹⁹

The natives were also to be protected from indirect impoverishment: they were to be exempt from the *alcabala*,²⁰

¹⁴*Recopilación*, 4-17-5, 6, 7, 8, 14.

¹⁵The *mesta*, or brotherhood of owners of migratory flocks, was introduced into New Spain through the influence of four large stock-raisers. It was entirely unnecessary there because the sheep-raising region was not one of sharp contrasts of climate. In the interest of the members of the brotherhood, the owners of private property were forbidden to fence it or to plough their pasture ground. When a member of the *mesta* rented a pasture, the owner of the land agreed not to lease it to any one else or raise the rent. The rental thus became perpetual and was finally converted into ownership. Joaquín Escriche, *Diccionario razonado de legislación y jurisprudencia*. pp. 1280-1290. Paris, 1862; Manuel Abad y Queipo, *Representación a la Primera Regencia en que se describe compendiosamente el estado de fermentación que anunciaba un próximo rompimiento y se proponían los medios con que tal vez se hubiera podido evitar*, p. 91, in José María Luis Mora, *Obras Sueltas*, Vol. I. Paris, 1837. Julius Klein, *The Mesta, a Study in Spanish Economic History*, 1237-1836, p. 9. Cambridge, 1920; *Recopilación*, 5-5-1 to 20.

¹⁶*Recopilación*, 4-12-12; 4-17-10; 6-3-20.

¹⁷*Ibid.*, 6-1-47; 6-6-4.

¹⁸*Ibid.*, 4-1-27.

¹⁹This law seems, however, to have had exactly the opposite effect from that intended, for it placed the Indians' property beyond their own control and kept them in a state of tutelage.

²⁰*Recopilación*, 8-13-24; Eusebio Buenaventura Beleña, *Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta Nueva España y providencia de su superior gobierno*,

or tax on sales, from tithes,²¹ alms,²² and parochial fees.²³ The tribute, or capitation tax, was to be their only obligation and it was to be a definite and moderate sum.²⁴

Economically speaking, three classes of Indians existed in the colonial era: the *caciques*, the inhabitants of the free villages, and the *encomendados*. The effects of the royal protection were evident in the condition of the first two only. It was the intention of the Spanish Government to maintain the *caciques*, or "nobles," as they were called, on an equal footing with Spaniards of the same class, both as to social position and ownership of land. *Caciques* were given large grants or were confirmed in the ownership of their *pilalli*—which the Spaniards regarded as patrimonial estates. Some grasped the idea of private property, acquired written titles, became or remained rich, and identified themselves with the conquerors.²⁵ Others, craftily availing themselves of the king's protection, seized the greater part of the *calpulalli*, defrauding the rest of the kinship group.²⁶ Some, not understanding the nature of the new ownership conferred upon them, bartered their property for a hat, a suit of clothes, or a pair of shoes.²⁷ Others, however, choosing to cast in their lot with their

de varias reales cédulas y órdenes que después de publicada la Recopilación de Indias han podido recogerse así de las dirigidas a la misma audiencia o gobierno como de algunas otras que por sus notables decisiones convendrá no ignorar, p. 233. Mexico, 1787; *Instrucciones de vireyes*, p. 23; *Recopilación*, 4-12-15, 16.

²¹García y Pereyra, Vol. XV, pp. 22, 115.

²²*Recopilación*, 1-21-2.

²³*Ibid.*, 1-3-10; 1-13-13; 1-8-10.

²⁴*Ibid.*, 1-13-19; 7-2-5; 6-5-31.

²⁵Alexander Humboldt, *Political Essay on the Kingdom of New Spain*. With physical sections and maps. Translated from the original French by John Black, Vol. I, pp. 185-186. New York, 1811.

²⁶Bandelier, p. 438, note 136; p. 444, note 154.

²⁷Fernando de Alva Ixtlilxóchitl, *Horribles crueldades de los conquistadores de México y de los indios que los auxiliaron para subjugarlo a la corona de Castilla, o sea, Memoria escrita por D. Fernando de Alva Ixtlilxóchitl*. Publicala por suplemento a la Historia del padre Sahagún, Carlos María de Bustamante, p. 98. Mexico, 1829.

people, resumed communal life and tilled the soil as simple members²⁸ of the kinship group.²⁹

The free villages also fared comparatively well, for the most part. A number of the most important Indian villages, especially seaports and *cabeceras*, or pre-colonial capitals of provinces, were from the beginning directly subject to the Spanish crown (*puestos en la real corona*). They were placed under *corregidores*,³⁰ "that they might know, even by the name, that they were not in servitude."³¹ The inhabitants of the free villages, especially those that were somewhat advanced in civilization, learned to protect themselves in the rude economic struggle and learned the importance of the magic slip of paper that enabled them to retain their lands. Some of them kept their *calpulalli*³² and in addition, acquired *ejidos* and *propios*, either by royal

²⁸Cuevas, p. 221.

²⁹Zurita protested vehemently against the breaking up of the lands of the kinship groups and allowing the lineages to become intermingled. He said that the good order prevailing in the *calpulli* that were left undisturbed was sufficient argument for retaining the organization. Nevertheless it seems that the lines of kinship were gradually lost, though the Indians themselves never forgot which of their number had been aristocrats and always treated them with the greatest deference. Zurita, p. 97; García Icazbalceta, *Vida de Zumárraga*, cited by Riva Palacio, Vol. II, p. 296.

³⁰The *corregidor* had the two-fold character of judge and political governor. If, however, he was not a graduate in law (*licenciado*), one or more *alcaldes mayores* administered civil and criminal justice for him. In large towns the judicial and administrative functions came to be separated in any case. *Corregidores* exercised arbitrary power in New Spain and were very unpopular. They were appointed by the viceroy for a term of three years if they were Creoles (native-born whites), for six years if they were Spaniards. The latter were authorized to sell a limited amount of goods to the Indians on assuming office—a privilege which they abused to the extent of forcing the natives to buy such articles as silk stockings and eyeglasses. Many Indians became thus so deeply in debt to the *corregidor* that they were virtually his slaves. Desdévise du Dezert, *Les institutions*, pp. 159–163.

³¹León Pinelo, p. 19.

³²Referred to by the Spaniards as *parcialidades* or *terrenos de común repartimiento*.

grant or by purchase. The system of land tenure which they developed was a cross between their own and the Spanish; and they had an effective form of local self-government based upon it, much as in the pre-colonial period.

To be sure, they had to keep up a constant struggle in order to hold their lands against the rapacity of *hacendados*, or large landowners, and some of them inevitably fell by the wayside. Nevertheless, for the most part, their privileged position enabled them to come out victorious. They learned the white man's methods of usurpation, too, and applied them. For instance, the law provided that there must remain, around each Indian village, a fringe of royal lands (*realengas*) 1100 *varas* in width, measured from the last house in the village. Availing themselves of this provision, the natives early learned to scatter their houses and thus take in more land.³³ It is probable, therefore, that trickery was employed on both sides, but that the greater encroachment was on the part of the *hacendados*.

Molina Enríquez³⁴ thus describes the free communities in the colonial era: "The community had notable advantages for the Indians. Although the communal lands were usually sterile and of poor quality, yet they offered the natives means of livelihood at all stages of their development, from savage horde to village incorporated into civilized life. Those lands furnished many advantages which the Indians could enjoy without work, without capital, and—which is more important—without deterioration of the lands themselves. From the mountains they could cut wood to sell in the form of beams, boards, firewood or charcoal, or to use for their brick, tile or pottery furnaces; the plains they could utilize for pasturage of livestock or as range for domestic fowls; they could use the waters for fishing, the forest for hunting; and there were many other commodities, such as clay, lime, etc., which the Indians could put on the market with no more effort than that of

³³Anselmo de la Portilla, *España en América. Cuestiones históricas y sociales*, pp. 66-68. Madrid, 1871.

³⁴P. 57.

collecting them. Besides, the community offered its members the advantage of possessing the land and of not losing it in the ebb-tide of their miserable fortunes. Whenever one had resources, he took a plot, without having to pay the *alcabala* and without having difficulties placed in the way of his possession; he planted it in corn or barley and enjoyed the harvest. If that crop was lost, he left his plot and lived by some of the other means offered him; and when his resources allowed he returned to his farming. Within the community the occupants' right of possession was respected, and little by little they were beginning to develop a conception of private property transmitted from father to son."

The Indians that really did suffer, however, during the colonial period, were those that were given in *encomienda*. They were "entrusted" (*encomendados*) to the care of an *encomendero*, who assumed the obligation of christianizing them and defending their persons and property,³⁵ and received in return the right to collect tribute from them. Unfortunately the majority of the Indians were *encomendados*. Some *encomiendas* consisted of 10,000 to 12,000 individuals;³⁶ to Cortés 23,000 were assigned.³⁷ Often several villages were allotted to one man, or an entire province was given to one *encomendero*. Many *encomiendas* were reckoned by the amount of tribute they yielded, as, for example, an *encomienda* of five hundred pesos.³⁸

The first *encomiendas* in New Spain had been granted by Cortés entirely without royal authority; in fact Charles V had resolved not to allow the system to be instituted there. The king never confirmed the action of Cortés except tacitly by extending to the second life the *encomiendas* granted by the conqueror—that is, to the heir of the original beneficiary. Later the viceroy was authorized to "overlook"

³⁵*Recopilación*, 6-9-1.

³⁶It was thought that the evangelization of the Indians would be facilitated if the groups were large.

³⁷The Indians assigned to Cortés were called "vassals," however.

³⁸León Pinelo, pp. 19, 46, 81-83.

(*disimular*) those of the third, fourth, and finally the fifth life.³⁹

Theoretically the *encomendero* owned neither the Indian nor the Indian's property. Yet the ownership became so real that it was recognized even in law.⁴⁰ At any rate, by fair means or foul, the *encomenderos* got possession of the land of their wards. The first invasion of the Indians' property rights was the custom which grew up among *encomenderos* that when an Indian died, his share of the communal lands, instead of reverting to the village, passed to the ownership of the *encomendero*, though this was strictly forbidden by the Laws of the Indies.⁴¹

A favorite method of ousting the natives from their lands—one which has been used almost down to the present day—was that of forcing or inducing them to divide the communal lands among the members of the community and then picking them off one by one. This was done by collusion between the *encomendero* or *hacendado* and the local authority, usually an Indian *cacique*, for the latter was in general a ready tool of usurpers. The villagers, not understanding the nature of the documents which they received on such occasions, readily bartered them for a trifle.⁴² The custom which the Indians had, of keeping rather large

³⁹*Ibid.*, pp. 3–21.

⁴⁰The *Recopilación* (6–8–46) has the following law: “Viceroyes, *audiencias* and governors are not to deprive any *encomendero*, or allow him to be deprived, of the Indians whom we have granted to him, either by new grant or by confirmation of title, unless he should commit a crime which, according to the laws of these kingdoms of Castile, is punishable with loss of property (*bienes*).” León Pinelo (pp. 25–26) refers to *encomiendas* as “*bienes castrenses*” and “*bienes familiares*.” Solórzano (*Política indiana*, p. 260) seems to have had the same view. He refers to a *cédula* of 1562 which contains the words “*en la possession y señorío de los dichos indios en todos los pleitos que se ofrecieren sobre indios, assi en propiedad como en possession.*” He says that when an *encomendero* took possession of his *encomienda* an elaborate ceremony took place in which the person of the *cacique* was delivered to his new master.

⁴¹*Recopilación*, 6–1–30.

⁴²Zurita, p. 95, *et seq.*

tracts in reserve to provide for expansion of the *calpulli*, also furnished the usurpers with a pretext. They would claim such lands on the ground that they were not being cultivated.⁴³

The Indians that were *encomendados* were continually escaping and fleeing to the mountains. As it was impossible to evangelize them unless they were gathered into groups, various royal decrees commanded that they be brought back and their lands restored to them—their identical property, as far as possible. The nomads of the north were also to be gathered into villages at the same time. This process was often made the pretext for illegal seizures of Indian land.

In 1595 a very vigorous attempt was made by the viceroy to carry out the provisions regarding *congregas*, as these new villages were called. It is said that he was urged to do so by landholders who wished to make such action the pretext for a general shift in land tenure which would enable them to seize the good lands held by Indians. Accordingly the commissioners—three hundred in number—selected poor sites for the new villages and forced the removal of many settled ones that had good lands, on the pretext that the villages in a given area were to be united to form a city. These violent measures occasioned innumerable lawsuits, some of which lasted three hundred years and more.⁴⁴ As the process of gathering the natives into *congregas* continued for many years and decades, it caused a number of formidable uprisings of Indians.

Direct usurpation of Indian lands also took place in the following manner: In 1591⁴⁵ and later years, efforts were made by the home government to remedy the chaotic situation that prevailed regarding private property—namely,

⁴³*Ibid.*

⁴⁴Riva Palacio, Vol. II, pp. 452-454.

⁴⁵Joaquín Maniau, *Compendio de la historia de la Real Hacienda de Nueva España, escrito en el año de 1714 por D. Joaquín Maniau, Oficial Mayor de la dirección y contaduría general del tabaco de dicho reyno y contador del Montepío de oficinas por S. M. Con notas y comentarios de Alberto M. Carreño*, p. 23. Mexico, 1914.

that many landholders were in possession of a much greater area than was covered by their titles and that the documents themselves were very indeterminate as to limits and boundaries because of the indefinite manner in which the grants had been made. The proprietors were accordingly called upon by the *Comisión de tierras y aguas*, or Land and Water Commission, to exhibit their titles, and were given the privilege of acquiring the excess which they held, merely by the payment of a moderate fee, which process was called *composición*,⁴⁶ or adjustment. This well-meant and timely move of the government was made the pretext of a great deal of land-grabbing,⁴⁷ especially from the Indians, and for legalizing the possession of lands usurped in the past. The law specifically provided, as usual, that no injustice should be done to Indians, that the possession of property acquired unlawfully from them should not be confirmed, that their communal lands should in no case be invaded, that Indian villages should also be admitted to the privilege of *composición* and should be given the preference in case of a clash of interests, and that the viceroy was specially commissioned to look after the interests of the Indians in the matter.⁴⁸

Late in the period of the viceroyalty (1735) another attempt was made to rectify boundaries of estates, to bring to light frauds in land possession, and to define the limits of private estates and royal domain respectively. A decree⁴⁹ was issued, giving the right of popular "denunciation" of royal lands, that is, any one who knew of such territory held illegally by the possessor might "denounce," or claim it and by the payment of a moderate fee might acquire it himself.

⁴⁶Beleña, p. 233, Autos 448,449; *Instrucciones de vireyes*, p. 23; *Recopilación*, 4-12-15, 16.

⁴⁷Pimentel, p. 224; Molina Enríquez, p. 32.

⁴⁸*Recopilación*, 4-12-18, 19, 20, 21; 2-12-16, 17, 18.

⁴⁹*Reales ordenanzas para el establecimiento e instrucción de intendentes de ejército y provincia en el reino de la Nueva España*, Pt. II, no. 10. Madrid, 1786; Maniau, p. 23.

The way in which the reasonable provisions which have been mentioned were utilized for fraudulent purposes is illustrated by the struggles of the Indians of Xuchitepec to retain their lands.⁵⁰ This village, founded in 1369, had grown to ten kinship groups by the time of the Spaniards' arrival. They were overrun and dispersed by the Conquest. In 1606, when it was decreed that the villages should be reconstituted and their lands restored, some of the Xuchitepec Indians applied for such restitution, and they were given back their own lands. They remained in peaceful possession until 1745 when one Francisco de la Coterá, availing himself of the decree of 1735, denounced their property. The judge, suborned by Coterá, admitted the denunciation without even notifying the village, put the land up at auction, and sold it to Coterá for \$42,500⁵¹—a magnificent estate of 26,719 acres of tillable land besides a large forest tract. Coterá, bringing a strong body of soldiers to intimidate the Indians, took possession. More than fifty families fled to the mountains; the rest remained to fight for their property. Coterá claimed, before the viceroy, that the lands were royal domain usurped by the Indians, that they were living in idleness on the proceeds of the property and had reverted to infidelity.

The viceroy, unable to decide the matter, allowed Coterá to present his own case to the king. Philip V decided in favor of the village and sent a royal *cédula* commanding the restoration of the lands. The case did not end there, however, for the mere bagatelle of a royal decree did not deter the usurper. As he continued in possession, the viceroy sent an investigating commission which brought to light the fact that not only the judge, but the *alcalde mayor*, the priest and the *cacique* had been suborned by promise of a

⁵⁰*Al severo tribunal del público. Las víctimas de Xuchitepec por la inquisición de Chalco.* Mexico (1860?). This pamphlet contains copies of twenty-three documents adduced in support of the statements made therein.

⁵¹The dollar mark is used throughout this study to indicate the Mexican *peso*.

share in the spoils. The commission induced the fifty families to return, but the best they could do for the Indians was to separate the priest and *cacique* from their ill-gotten gains, to restore this small amount of land (about seventy acres) to the village, and to obtain for them the right to use the woodland for fuel, water and pasturage. The case was then taken by the Indians into the lower courts and dragged on until an heir had succeeded and then another, until the wars of Independence had passed over the country, and then the Reform War. The third owner was a general and so the case was tried in a military court and decided in his favor. But the Indians still did not give up, and in 1860, when one of their own blood occupied the presidency, they made bold to present their petition to President Juárez directly, setting forth that they were a village of 4,000 people without land, that they had to carry water six miles and could not build an aqueduct because their labor all belonged to the "tyrants."⁵²

This case is an excellent example of how little the good will of the crown availed against the greed of land-grabbers and the golden opportunity of defrauding helpless ignorance. It is not to be supposed, however, that the Indians—either *encomendados* or free—gave up their lands tamely or that they always lost in the struggle. They had a veritable mania for litigation⁵³—the new bauble which civilization brought them and which undoubtedly acted as a safety valve to prevent armed uprisings. As the various severe laws which had been passed for the purpose of protecting Indian property seemed to have little effect, it was finally provided that all land cases of the natives should be tried by the *audiencia* or by the viceroy personally, with the right of appeal to the king.⁵⁴ However, the Coteria case,

⁵²I have been unable to learn the outcome of their petition.

⁵³Riva Palacio, Vol. II, pp. 161, 379, 732; Cuevas, p. 202; Zurita, pp. 102, 110; Zurita, *Historia de la Nueva España* (Siglo XVI), p. 434. Madrid, 1909; Joaquín García Icazbalceta, *Nueva colección de documentos para la historia de México*, Vol. I, pp. 20–24. Mexico, 1886–1892.

⁵⁴Beleña, Vol. I, pp. 205–208.

already described, illustrates how ineffective that appeal might be.

The villages seldom went to law over anything except lands and boundaries, but on that point they wasted their substance in riotous litigation. The landholders appealed every little detail of local administration in order to get the Indians tangled up in legal proceedings which they did not understand. There were also cases between village and village;⁵⁵ others between a village and its *cacique* who had grasped the idea of private property and had made good his title to the lion's share of the *calpulalli*.⁵⁶

The large lawyer class lived on the Indian cases, which they managed to delay and prolong generation after generation. Many villages were forced, after years of struggle, to drop cases for lack of means, while the large landholders provided for land litigation as a necessary expense and a part of their regular budget. Some of these cases lasted literally for centuries, and the revolution of 1910 to 1920 found numbers of them still going on. As late as 1887 it was said that there was scarcely an Indian village in Mexico, especially of those near cities, that was not involved in litigation with the owners of adjoining properties.⁵⁷

The Spanish sovereigns did not abandon the *encomendados* to their fate, however. The system of *encomiendas*—a reluctant concession⁵⁸ of Charles V⁵⁹ to New Spain in the first place—was opposed by succeeding kings and was gradually modified. An immense number of laws was decreed

⁵⁵Zurita, *Breve y sumaria relación*, p. 102.

⁵⁶Bandelier, p. 438, note 136 and p. 444, note 154; Bandelier, *On the Social Organization and Mode of Government of the Ancient Mexicans*, p. 651. Salem, 1879.

⁵⁷Biart, p. 191.

⁵⁸That the *encomienda* was considered a privilege for the *encomendero*, not for the Indian, is evident from the provision that natives who voluntarily offered to accept Christianity were to be exempt for ten to twenty years from being given in *encomienda*. León Pinelo, p. 31; *Recopilación*, 6-5-3, note.

⁵⁹Cf. *supra*, p. 29.

with the purpose of mitigating the servitude entailed in practice by the *encomienda* system.

From about 1700 on they were gradually reduced and they were finally abolished as a legal institution in 1720 when all were declared suppressed except one granted in perpetuity to the heirs of Cortés.⁶⁰ A *cédula* of December 16, 1785, provides for incorporating into the domain of the crown all the Indian villages of Yucatán and Tabasco "on account of the grave abuses which they suffer" and because all the rest of the *encomiendas* of the country had been so incorporated.⁶¹ But by this time the heirs of the original *encomenderos* had such a firm hold upon the persons and property of the Indians that the latter were virtually serfs and a mere edict made little difference in their condition. They were not allowed to go into debt for more than six *pesos*; yet that small amount bound them legally to the land of the *hacendado* until it was paid. When they found it impossible to pay their tribute he remitted it, if payable to him, or paid it for them, if owed to the government, and thus kept them in servitude.⁶² If they ran away, owing anything to the master, he could have them brought back by the authorities.⁶³

A law, mentioned by Mora⁶⁴ and other writers, regarding the incorporation of villages situated on private property, was evidently—if it ever existed—an attempt to enable the

⁶⁰Aniceto Villamar, *Las leyes federales vigentes sobre tierras, bosques, aguas, ejidos, colonización y el gran registro de la propiedad; colección ordenada y anotada por Aniceto Villamar. 2a edición, notablemente mejorada y enriquecida con una reseña histórica de la propiedad territorial en México por el S. Moreno Cora*, p. 15. Mexico, 1910.

⁶¹Beleña, Vol. I, p. 182.

⁶²The law specifically forbade the commutation of tribute into personal service. *Recopilación*, 6-5-24.

⁶³Beleña, Vol. I, pp. 56-57 of the first Montemayor collection and p. 25 of the second Montemayor collection. These severe laws were not royal decrees, but provisions made by the *audiencia* (*Real audiencia y sala del crimen de la Nueva España*).

⁶⁴José María Luis Mora, *Méjico y sus revoluciones*, Vol. I, pp. 198-199. Paris, 1836.

encomendados to escape from servitude. It was provided, so these writers say, that when a group of inhabitants on a private estate grew large and strong enough to build a church, they could be incorporated into a village and demand of the *hacendado* land for their community—a townsite and an *ejido*. Thus they were emancipated from peonage. There seems to be no doubt that such a custom existed, though probably it was not sanctioned by law.⁶⁵ The practice had the bad effect of causing mutual suspicion between landowner and peon. *Hacendados* tried to prevent the formation of new villages by scattering the laborers over the estate. Many lawsuits grew out of the question. Not infrequently groups of Indians seized land of *hacendados* declaring it to be their own; often they went so far as to attack the proprietor in his own home trying to force him to grant them a tract of land. Those Indians who enjoyed the status of tenants often refused to pay rent, declaring that the land belonged to them. This state of affairs, toward the end of the colonial period, was causing great uneasiness and discontent on the part of the landowners.⁶⁶

However, the great mass of Indians who had been under *encomenderos* were in a wretched condition at the beginning of the nineteenth century. Abad y Queipo, the eminent bishop of Michoacán, described their plight very graphically and warned the home government that a revolution

⁶⁵In 1853 Santa Ana decreed that groups of inhabitants (*congregaciones*) on private property who wished to be incorporated into villages must first obtain the consent of the owner. This would seem to indicate that, previous to that time, it had been customary to do so without the proprietor's consent; and it might be inferred further that it was customary to seize the necessary land by force; for, if he refused his consent to the incorporation, surely he did not voluntarily give or sell land for the purpose. On May 30, 1856, Santa Ana's decree was annulled by Comonfort. Maza, pp. 551-552, 628-629.

⁶⁶Francisco Pimentel, *La economía política aplicada a la propiedad territorial de México*, in *Obras completas*, Vol. III, pp. 196, 203; Fernando González Roa, *El problema rural de México*, pp. 143, 145. Mexico, 1917; Portilla, pp. 66-68.

was imminent unless something were done to alleviate their misery. All the property, he said, was in the hands of one-fifth of the population, while the other four-fifths were landless and many were homeless. Most of the villages were without land and the *hacendados* would not rent to them even for short periods. Out of a population of 4,500,000 at least 2,700,000 were living on \$50 to \$71 annually per family, whereas the minimum, he thought, should be \$300.

The bishop recommended, among other measures, the abolition of tribute for both Indians and *castas* (mixed breeds), granting to the Indians permission to dispose of their property freely, allotment of royal lands to Indians and *castas*, and the enactment of an agrarian law similar to that of Asturias and Galicia, which permitted the poor to cultivate the fallow lands of large proprietors.⁶⁷

The concentration of landed property in the hands of the few had its beginning, then, in the *encomienda* system. It is impossible to make definite statements about the number and extent of the large estates of the colonial period because of the absence of statistics. The largest, of course, was that of the *Marquesado del Valle*, the entailed estate of the Cortés heirs.⁶⁸ The conqueror was given lands in the valleys of México, Toluca, Cuernavaca, Cuautla, Oaxaca, in Michoacán, Tuxtla, Tehuantepec, on the coasts of the Pacific and the Gulf of Mexico, and two mountain peaks, Xico and Tepetpulco, for hunting preserves. He was made patron of the hospital of *Jesús Nazareno* in the capital, the income of which from farms and rent houses was reckoned at a somewhat later period at \$11,400.⁶⁹ In the late years of the viceroyalty this entailed estate had an income of \$43,616⁷⁰ from rented property in the capital city alone,

⁶⁷Abad y Queipo, *Representación a la Primera Regencia*, p. 148.

⁶⁸Lucas Alamán, *Historia de México desde los primeros movimientos que prepararon su independencia en 1808 hasta la época presente*, Vol. II, pp. 65-66. Mexico, 1849-1850; González Roa, p. 57.

⁶⁹Maniau, Vol. II, p. 103.

⁷⁰*Padrón general de las casas, que comprehenden los ocho cuarteles*

which would represent a property value of about a million dollars. As that was only one item in the assets of the estate, some idea of its extent may be formed. There were numbers of rural estates of three to six hundred square leagues (1,316,400 to 2,632,000 acres)⁷¹ and there was at least one⁷² of five thousand square leagues (21,945,000 acres).⁷³

Aside from the old traditions of a landed aristocracy, there were economic reasons for the growth of large estates in Mexico: no direct land tax whatever was levied;⁷⁴ the home government's policy of limiting the commerce and industry of the colony left little outlet for capital other than land investments; the custom and law of primogeniture prevented the division of estates; the ease with which property could be mortgaged to the clergy led landowners to buy to the limit of their ability; mortgaged estates could not be divided because the creditor (the clergy) refused to allow the division of the mortgage;⁷⁵ until late in the colonial period, royal domain could be acquired only by appearing in person before the king for confirmation of title, and it was not worth while to make the trip except for large amounts. It was estimated⁷⁶ that at the end of the viceroyal period there were in New Spain 3,479 *haciendas*

mayores en que está distribuida esta capital, valores de sus actuales arrendamientos comparados con los que rendían el año de 1776 para deducir el diez por ciento que se paga a la Hacienda Pública Nacional de México. Diciembre 31 de 1813.

⁷¹Luis Robles Pezuela, Maximilian's Minister of *Fomento*, who went into the matter of land titles thoroughly, with reference to the Reform Laws, stated that he found no original grant larger than 100 square leagues (439,000 acres). It was his opinion that most of the immense estates had become so by usurpation. (*Memoria de la secretaría de fomento*, 1865, pp. 112-114.)

⁷²Riva Palacio, Vol. II, p. 488.

⁷³An area larger than Ireland and almost as large as Portugal.

⁷⁴Rural real estate paid tribute only to the Church—in the form of tithes. Nor did the municipalities levy direct tax on real estate. They were supported by their *propios* and by indirect taxation.

⁷⁵González Roa, p. 69.

⁷⁶Navarro y Noriega, "Memoria sobre la población del reino de Nueva España," *Sociedad mexicana de geografía y estadística, Boletín*, Vol. II, pp. 101-114. Mexico, 1850.

and 6,684 *ranchos*, or farms; Abad y Queipo,⁷⁷ however, writing in 1804, speaks of "more than 20,000 *haciendas*⁷⁸ which constitute half the agriculture (*sic*) of the kingdom." The owners of the large estates, accustomed to urban life, generally did not live on their *haciendas*. Most of them did not know how to manage their estates economically or to profit by them even to the extent of paying interest on the mortgages.

In spite, however, of the great increase of private property and its extensive area as compared with communal property, the latter was by no means dying out—in fact, was on the increase—and was not confined to the purely Indian element of the population.⁷⁹ New forms of communal land tenure grew up and attained considerable importance—the *congregación*, the *comunidad*, and the

⁷⁷Abad y Queipo, *Representación a nombre de los labradores y comerciantes de Valladolid de Michoacán, en que se demuestran con claridad los gravísimos inconvenientes de que se ejecute en las Américas la real cédula de 26 de diciembre de 1804, sobre enajenación de bienes raíces y cobro de capitales de capellanías y obras pías para la consolidación de vales reales*, p. 84. In Mora, *Obras sueltas*, Vol. I.

⁷⁸The minimum size of an *hacienda* as a land measure was five *sitios* (21,945 acres), but most of the estates were larger.

⁷⁹After the first few generations it is no longer accurate to make distinctions between Spaniards and Indians in the matter of land tenure; for, although Spaniards continued to come over all during the period, yet the Creoles (persons born of Spanish parents in America) soon outnumbered them greatly, and the number of *mestizos* grew rapidly. Abad y Queipo (*Estado moral y político en que se hallaba la población del virreinato de la Nueva España en 1799*, p. 54, in Mora, *Obras sueltas*, Vol. I) estimated that whites constituted one-tenth of the population, *mestizos* six-tenths, and pure Indians three-tenths. His estimate of the last-named was probably too low, since even at the present day the proportion of Indians is generally estimated higher. The *mestizos*, for the most part, belonged at this time to the class of landless and downtrodden, or at best to the category of small farmers, artisans, small tradesmen and lower clergy. All persons of mixed blood were required to pay tribute, on the same basis as were the Indians. The distinction was no longer that of white and Indian, but of rich and poor, of aristocracy and masses. After a few decades the rigid confinement of Indians within their villages was given up to some extent and there was more intermingling of the races.

ranchería. The origin of the last-named is rather curious. Most of the farmer element that came over was composed of men of the lowest and most ignorant class of the Spanish rural population, who had no interests to hold them in the home country. They did not bring wives with them and, whether they married or not, their promiscuous relations with native women resulted in a considerable *mestizo* progeny. An elemental sense of justice in these rude men led them to provide for the future of their illegitimate offspring, either by bringing together mothers and children on their one plot of ground during their lifetime or by willing it to them in joint ownership. Many of these groups came in course of time to have a population of several thousand, but still were called *rancherías* and had no civil existence, properly speaking. The *congregación*, or *comunidad*, was formed merely by the fortuitous agglomeration of a group of families and was not necessarily constituted along the lines of kinship.⁸⁰

Thus the end of the colonial period found the free villages enjoying the fruits of their long struggle and of the royal protection; the masses—those that originally had been entrusted to *encomenderos*—in the deepest misery, but struggling toward emancipation; and the landowners themselves rich in acres deeply mortgaged to the ecclesiastical class. As a result of the reforms of the Visitor-general José de Gálvez and the installation of the intendancy system⁸¹ outward prosperity reigned. Agriculture, mining and commerce were in a flourishing condition judged by the revenues they yielded. Yet underneath the surface smouldered

⁸⁰Antonio Manero, *¿Qué es la revolución? Breve exposición sobre las principales causas de la revolución constitucionalista en México*, p. 28. Mexico, 1915.

⁸¹In general the mission of the visitor-general was to regulate the internal government of New Spain, to place it in a position to repel possible foreign encroachment, and to increase the royal revenues. Some of his more important measures were the establishment of the royal tobacco monopoly, the enforcement of laws regarding collection of revenues, the beginning of liberalization of colonial trade, placing the collection of customs duties under crown administration, and the

fires which were to produce a violent upheaval, much as a century later intense forces of disintegration were veiled by the material prosperity of the Díaz régime.

elimination of dishonest practices in their collection, the reform of municipal finance, the erection of the northern frontier region into the "*comandancia general de las provincias internas*," and the installation of the intendency system. According to the new division New Spain consisted of ten intendancies and two provinces subject to the viceroy, two intendancies and two territories subject to the *comandante general de las provincias internas*. The intendants placed in charge of the intendancies were given ample powers—judicial, administrative, financial, and military. The intendancies were subdivided into *partidos* (242 in all), which were placed under *subdelegados* responsible to the intendants. Gálvez was very severe in his dealings with the masses, professing to believe that the Indians and *mestizos* could be dominated only by stern repressive measures. Priestley, pp. 56–57, 148, 173, 202, 210, 293, 322, 383–384; Desdévise du Désert, *Les Institutions*, pp. 124, 135.

CHAPTER III

ECCLESIASTICAL REVENUES AND PROPERTY IN THE COLONIAL PERIOD

Theoretically all property of the Roman Catholic Church belongs to the Church as a corporation, represented by the Pope. In the sixteenth and seventeenth centuries it was held that His Holiness alone had power to authorize the alienation of such property, and some canonists even denied that the Holy See had that right. The particular organization by which the property was held—whether bishopric, monastic order, individual convent, brotherhood, or other corporation—was in theory merely the usufructuary; and its respective representative—bishop, provincial, prior, etc.,—was the administrator. To all intents and purposes, however, the usufructuary was the owner, and often the administrator came to be virtually the owner.

In New Spain the tie between the administrator and the representative of the real ownership was made yet more tenuous by distance from the seat of authority and by the interposition of the ecclesiastical patronage of the Spanish sovereign, which was absolute in his American dominions. This patronage or advowson was conferred upon the Spanish crown in perpetuity by various papal bulls, in consideration of the discoveries and conquests of Spanish subjects. It involved the obligation, on the part of the sovereigns of Spain, to found and endow churches and monasteries throughout their New World dominions and to provide for the evangelization of the Indians. It conferred upon the sovereigns the privilege of making appointments to ecclesiastical benefices and receiving revenues from the Church. These latter consisted of the *mesada*,¹ which was a commission paid by each new appointee, and amounted to one month's income from the benefice;² the

¹*Recopilación*, 1-17-1.

²In the later years of the viceroyalty the *mesada* was collected only from benefices the income of which was less than three hundred ducats.

vacantes,³ which were the revenues from vacant benefices during the interval between the death or removal of the old incumbent and the arrival of the new one;⁴ the proceeds from the bull of the *Santa Cruzada*,⁵ and, most important of all, the tithes of agricultural products.

The generous attitude of the Spanish monarchs toward their American subjects is evident in the disposal of the ecclesiastical revenues. Of the *vacantes* the king reserved to himself only one-third, and of the tithes one-ninth.⁶ Even these comparatively small amounts were often granted—as were also at times the proceeds of the *mesada*—to pious funds for the benefit of the colonies themselves.⁷ The liberality of the Spanish crown⁸ in the matter of

Those with a larger income paid the *media anata*, which was equivalent to half a year's revenue. *Ordenanza general de intendentes*, pp. 161-168; Beleña, Vol. I, pp. 230-232. In 1766 these two taxes yielded the royal treasury \$100,000. (Nicolás León, *Compendio de la historia general de México*, pp. 365-366. Mexico, 1902.)

³*Recopilación*, 1-7-37; 1-7-41; 2-32-69; 8-24-2.

⁴In the latter part of the colonial period the *vacantes* averaged about \$138,000 gross per year. Maniau, p. 53.

⁵*Recopilación*, 1-20-1 to 27. As a reward for their conquest of infidels, the sovereigns of Spain were given by the Pope (1578) the right to the proceeds of the *Bula de la Santa Cruzada* in the Indies. Four classes of exemptions were sold by virtue of this bull: the *bula común de vinos*, which enabled the recipient to gain absolution and indulgence; *la de los pecados reservados*, which granted final absolution at the hour of death; *la de difuntos*, for the purpose of releasing souls from purgatory; and *la de composición*, which freed one from the obligation of making restitution when there was no one to whom to make it. (Mora, *Méjico y sus revoluciones*, Vol. I, p. 267.) When Mexico was separated from Spain in 1821, Archbishop Pedro de Fonte abolished the institution, but the Mexican government continued for some years to receive revenues from it.

⁶The royal ninth (*reales novenos*) averaged about \$185,000 annually in the late years of the colonial period. (Maniau, pp. 13-14.) It must have been taken from the net proceeds of the tithes; otherwise there is a discrepancy between it and the clergy's income from that source. (See *infra*, p. 48.)

⁷*Recopilación*, 1-2-17; 1-7-56, note.

⁸In addition to the revenues mentioned, Charles III, in 1775, granted to each cathedral chapter of the New World a yearly pension of \$40,000. (Maniau, p. 70.)

ecclesiastical revenue, the distance from the center of authority, and the unusual economic opportunities offered by a new country enabled the clergy of New Spain to accumulate immense properties and to attain preponderant power and influence.

The clergy was an economically privileged class from the beginning. The members of it received large grants of land from the crown. Many monasteries, cathedrals and individual prelates were given *encomiendas*—which had more or less the same history as those conferred upon laymen. For the erection of churches, monasteries and residences the royal treasury furnished half the money, the *encomenderos* or the Spanish population in general furnished the other half,⁹ and Indians did the work without remuneration.¹⁰ Ecclesiastical capital was free from taxation—legally in the early days, virtually, always. The clergy were entitled to collect tithes and first fruits of all agricultural products, to receive fees, dowries, gifts, bequests, alms, and perpetual trust funds. From the outset they had an economic advantage over even the richest *encomenderos*, who had to build their own houses and provide their own working capital, and had not the sources of income that the clergy had. So, with the immense prestige of the Church behind them, it is not surprising that the clergy dominated the colonial era economically and politically. Nor is it strange that, as the years went on, the early missionary fervor tended to give place to complacent well-being and easy acceptance of priority thrust upon them; that adventurers were to be found in the ranks of the clergy as in all walks of life; that this easy means of acquiring an honorable position and a comfortable livelihood attracted such large numbers that in 1644 the town council of Mexico City implored Philip IV to send no more

⁹*Instrucciones de vireyes*, p. 232.

¹⁰*Recopilación*, 1-2-3, 6, 9, 1-3-4. Agustín Rivera, *Principios críticos sobre el virreinato de la Nueva España y sobre la revolución de la independencia*, Vol. III, p. 168. San Juan de los Lagos, 1884-1888.

monks,¹¹ as more than six thousand were without employment, living on the fat of the land.¹² Archbishop Núñez de Haro is said to have ordained 11,000 during his incumbency of twenty-eight years in the last third of the eighteenth century.¹³

Although there were many cultivated friars, many bishops and archbishops eminent for their piety and learning, many parish priests notable for their devotion and self-abnegation, it was no rarity for friars and priests to engage in all kinds of commerce—even the slave trade.¹⁴ In the ranks of the clergy were men who had fled from the draft¹⁵ in Spain, and even worse, others who were fugitives from justice.¹⁶ Many had been blacksmiths or shoemakers in the home country and were entirely without theological training. Some could not even read and write;¹⁷ others did not speak the languages of the Indians¹⁸ to whom they were supposed to expound the mysteries of the Trinity, the atonement, incarnation and transubstantiation. Numbers were not even *bona fide* priests, but adventurers who came to the New World, got ordained by hook or by crook, filled their pockets with money and returned to Spain to live in

¹¹Alamán, Vol. I, pp. 98–100.

¹²In 1790 there were 2,392 ecclesiastics in the capital city alone. Humboldt, Book III, chap. 8.

¹³Francisco Sosa, *El episcopado mexicano*, p. 204. Mexico, 1877.

¹⁴When the Third Ecclesiastical Council of New Spain forbade clergymen to engage in the slave trade, the seculars submitted a written protest against the invasion of their rights. Rivera, Vol. II, p. 123.

¹⁵José Haro de San Clemente, *Memorial al rey nuestro señor Don Felipe V*, cited by Rivera, Vol. III, p. 234.

¹⁶*Ibid.*, p. 242. Haro remarks: "They entered through the door of the refectory, not through that of the choir," adding, in regard to the above statements: "This is a matter of common knowledge and cannot be denied."

¹⁷Rivera, Vol. III, pp. 116–118.

¹⁸*Concilios provinciales primero y segundo celebrados en la ciudad de México en los años 1555 y 1565*, p. 199. Mexico, 1769. The *Recopilación* also contains several complaints that the priests do not learn the Indian languages and commands that they do so (*e. g.* 1–6–30).

ease on their ill-gotten gains. Viceroy Duque de Linares, in his instructions to his successor, the Marqués de Valera, relates that, having undertaken to rid the highways of bandits, he found more than one priest among them.

It is necessary to bear these facts in mind in order to give credence to some aspects of the history of the Church in Mexico, and to solace one's self with the reflection that perhaps the worst excesses are chargeable to those who had crept into the fold by devious ways. Moreover, the most reliable testimony on the matter proceeds from within the ranks of the clergy themselves, from the noble and devoted minority that labored zealously to stem the tide.

Various and rich sources of revenue enabled the higher clergy to live like princes, in many cases to leave large private fortunes¹⁹ to their relatives and natural children, and yet to fill the coffers of the church so full that it dominated agriculture, commerce, industry and banking. The higher clergy—bishops, archbishops, capitulars and provincials—held the purse strings; the curates and *doctrineros* also were provided with a comfortable living, but they could wax fat only by petty extortion. This financial inequality lay at the root of the notorious enmity between the higher and lower clergy and explains why, in the wars of independence, many parish priests cast in their lot with the masses.²⁰

One of the principal sources of income was the tithe, which was levied on the gross product of all agriculture and stock-raising²¹—not only the crops and the stock themselves, but “mint, anise and cummin,” all by-products and incidental earnings, such as butter, cheese, eggs, hides, wool,

¹⁹The regulars were not allowed by law to own private property, but the seculars were free to do so and to transmit it by will. *Recopilación*, 1-12-6; 1-14-50, notes; Manuel del Mar, *Historia de México escrita por Hernán Cortés aumentada con otros documentos y notas y adaptada a la ortografía moderna*, p. 601. New York, 1828.

²⁰Another source of continual disagreement and friction was that many regulars were given charge of parishes, which the seculars naturally considered an infringement upon their field.

²¹*Recopilación*, 1-16-1 to 31.

ropes made from *maguey* fiber, even "roses and other flowers."²² The tithe must be separated and delivered to the collectors daily; it was a continuous drain and there was no escape. Anyone who raised less than ten chickens, for instance, must calculate the cash price of what he did raise, or let the collector do it for him, and pay one-tenth in money.

Indians were at first exempt from the payment of tithes²³—at least on the statute books—but later laws exempted only certain localities and certain articles.²⁴ As a matter of fact, most Indians paid to the uttermost farthing; those that were subject directly to the crown paid as independent farmers; those that were *encomendados* paid likewise, though the proceeds passed through the hands of the *encomendero* and payment was made in his name.

The tithes, in the later years of the colonial period,²⁵ averaged over \$2,400,000 a year,²⁶ and even in 1829 the yield²⁷ was \$2,341,152. Of this amount one-half went to the bishop and cathedral chapter of the diocese, one-sixth to the church-building fund (*fábrica de catedral*), two-ninths to the parish priests, and one-ninth to the royal treasury. The secular priests, however, complained constantly that their share was withheld.²⁸

The collection of tithes was conducted in a very business-like manner. Offices for the purpose were established at

²²Pastoral letter of Manuel Joseph, Archbishop of Mexico, September 28, 1784, quoted by Rivera, Vol. III, pp. 266–271.

²³*Recopilación*, 6–5–31; 7–2–5; *Concilios provinciales*, p. 203.

²⁴*Ibid.*, 1–1–16; 1–16–13 and note; García y Pereyra, Vol. XV, pp. 22, 115.

²⁵Maniau, p. 128, note, gives for 1785–1789 a total of \$3,728,644 for the Puebla diocese alone, which, however, was one of the richest of the nine dioceses.

²⁶Humboldt, Vol. III, Book IV, p. 283.

²⁷Mora, *Obras sueltas*, Vol. I, pp. 372–373; *Memoria de hacienda y crédito público, 1869–1870*, p. 62. Mexico, 1870.

²⁸Porfirio Parra, *La reforma en México*, p. 56. Mexico, 1905; García y Pereyra, Vol. XV, p. 169 (letter from the king to the *audiencia* and officials of the royal treasury, 1566).

convenient locations. The privilege of collecting tithes was farmed out, sometimes sold at public auction, to persons of recognized business ability, in amounts of \$25,000 to \$100,000. The *arrendatario*, as he was called, was required to have several guarantors, each of whom stood surety for the whole amount, even in the case of "the injury from fortuitous happenings" (*el daño de los casos fortuitos*).²⁹ In addition to this the Church proclaimed the penalty of excommunication against any who should seek to conceal their gains in order to escape the tithe or any who, knowing of another's attempt at concealment, should fail to reveal it. No confessor had power to absolve from this "crime and excess."³⁰ To make assurance doubly sure, until the year 1833, the Church was aided by the civil power in the collection of tithes.³¹

Furthermore, gifts and bequests of money and property, from the widow's mite to sums of princely munificence, were constantly enriching the Church treasury. It is related that Álvaro de Lorenzana, one of the rich men of New Spain, who built the Church of the Incarnation and the Hospital of the Order of San Francisco, left to the Church at his death on November 23, 1651, \$800,000 in cash, several houses, with furniture and orchards, \$20,000 for masses for the repose of his soul, \$20,000 to the Convent of La Merced, a small legacy to each nun in the capital, and some special gifts to the Jesuits.³²

In the matter of bequests there seems to have been great abuse. Testamentary cases were of *mixto fuero*,³³ that is, subject to the jurisdiction of either civil or ecclesiastical tribunals, but as a matter of practice the latter came to be the probate courts, to the exclusion of the former. The Indians³⁴ were probably the worst sufferers, as they usually

²⁹Abad y Queipo, *Edicto, 16 de agosto de 1813*. (Mora, *Obras sueltas*, Vol. I.)

³⁰Pastoral letter above referred to.

³¹*Recopilación*, 1-16-1.

³²Rivera, Vol. III, p. 198.

³³*Recopilación*, 2-15-196.

³⁴*Ibid.*, 6-1-32 and others.

died intestate, knowing little of the intricacies of private property, succession and inheritance, especially in the matter of real estate.³⁵ A law of June 7, 1621,³⁶ gives the *audiencias* authority to examine and revise testamentary cases and urges them to use it "as protectors of pious works"; it states that the practice of ecclesiastical *visitadores* was to separate first from the inheritance all funds that the Church could possibly claim, giving *esperas*, or promises, to those creditors that had claims on the estate. These dilatory tactics enabled debtors to slip out of their obligations through the mixed jurisdiction, and so creditors were defrauded. The very large number of laws on this point throughout the colonial period indicates great abuse. It was even provided that ecclesiastics should have nothing whatever to do with testamentary cases,³⁷ that they could not succeed to property by inheritance³⁸ either in their capacity of individuals or in the name of the Church or any ecclesiastical corporation, and that they could not in any case succeed to the property of those that died intestate.³⁹

Another large source of income, as well as occasion for abuse, was the parochial fees for marriages, funerals,⁴⁰ baptism, confession, and for masses both ordinary and requiem. They were divided between the curate and the bishop. It was a common practice for the prelate to demand

³⁵It is probable, or at least possible, that even in pre-colonial times, the more advanced tribes disposed of their personal property by a sort of will.

³⁶*Recopilación*, 2-15-146.

³⁷*Real Orden de Fernando VI*, 20 de julio, 1754, quoted by Rivera, Vol. III, p. 262.

³⁸*Recopilación*, 1-13-9; 1-21-2.

³⁹*Ibid.*, 1-21-4; 1-13-9.

⁴⁰As the fee for funerals was excessive and many priests refused their services unless it were paid, it sometimes happened that a mother would steal furtively into the church and lay her child's corpse on the altar. (Pareja, *Crónica de la visitación de Nuestra Señora de la Merced, redención de cautivos de la Nueva España*, estado 20, cap. 60, cited by Rivera, Vol. I, p. 165.) Pareja was himself a *Mercedario*, the historian of the Order.

of the priest a fixed annual sum for the *cuarta funeral*,⁴¹ or his share of the fees for funeral services; so that if the number of deaths in any one year was not sufficient to pay this sum according to the regular tariff, the families of those that did die had to pay handsomely.

For these services the law allowed the New World clergy to collect fees three times as large as those customary in Seville;⁴² yet they could not be restrained even within this generous limit, and there are various royal *cédulas* upbraiding the priests for their avarice and strictly enjoining them to observe the provisions of the law.⁴³ The curates alleged that they were dependent upon parochial fees for their living, because their portion of the tithes⁴⁴ was so regularly withheld. Indians were by law exempt from the payment of parochial fees, in consideration of their poverty; yet the law was absolutely a dead letter.⁴⁵ In order to justify themselves for accepting fees, priests claimed that the Indians offered them voluntarily; a new decree then forbade them to receive fees from Indians, even though offered voluntarily.⁴⁶

Rivera describes a curious little book that he had in his possession, *Pindecuario de Coeneo*,⁴⁷ the schedule of parochial fees and dues for the parish of Coeneo consisting

⁴¹*Recopilación*, 1-7-15.

⁴²*Ibid.*, 1-8-9.

⁴³García y Pereyra, Vol. XV, pp. 44, 169, 216; Cuevas, pp. 66-67; *Ordenanza general de intendentes*, art. 173; Solórzano, pp. 683-686; *Recopilación*, 1-7-16; 1-8-9; 1-13-13; 1-14-7, 9; 1-18-2, 7, 10.

⁴⁴But it was said that the Indians could not keep domestic animals, because the priests took them in payment of parochial fees. *México por dentro y por fuera bajo el gobierno de los vireyes. O sea, enfermedades políticas que padece la capital de la Nueva España en casi todos los cuerpos de que se compone y remedios que se deben aplicar para su curación*. Manuscrito inédito que da a luz por primer suplemento al tomo cuarto de la *Voz de la Patria* Carlos María de Bustamante, p. 132. 11 de septiembre, 1830.

⁴⁵*Recopilación*, 1-3-10; 1-13-13; 1-18-10, and other laws; *Ordenanza de intendentes*, art. 172; *Concilios provinciales*, p. 188.

⁴⁶*Ibid.*, 1-18-10.

⁴⁷Rivera, Vol. III, pp. 330-334.

of seven Indian villages in the Tarasco country. He quotes at length from it for the month of January, an astonishing number of petty exactions. The cash payments for special festivals and services for that month amounted to \$115.75; large amounts of food were specified to be provided by the community for the festivals, numbers of altar-cloths and other articles, besides the daily exaction from each individual—twenty chile peppers, twenty tomatoes, a dish of salt, four onions, one head of garlic, ten eggs, *tortillas*, a pot of *atole*, a dish of chile sauce. Even confession was not free, but must be paid for with one egg. Rivera states that the other months were about the same as to requirements and that the case of the parish of Coeneo was by no means unique.

Then there were the *cofradías* and *archicofradías*, brotherhoods for collecting funds to be used in honor of the patron saint of the town. The anonymous author of *México por dentro y por fuera bajo el gobierno de los vireyes*⁴⁸ declared that these were secular funds and should be taken from the control of the curates and incorporated into the community fund (*caja de comunidad*). There were also innumerable processions, saints' days celebrated with fireworks and chimes (every separate peal of which cost money), fees for blessing candles, images, scapularies and burial robes.

Furthermore, the clergy made use of the personal services of the Indians for the purpose of increasing their own revenues. Whenever a church, convent or ecclesiastical residence was destroyed or damaged by lightning, earthquake, fire or flood, as frequently happened, the government granted remission of tribute to the Indians of the parish in order that they might perform the necessary repairs or rebuilding. Taking advantage of that concession, many clergymen used such events, real or feigned, as a pretext for monopolizing the services of whole communities of Indians.⁴⁹ The viceroy, Marqués de Montes-

⁴⁸P. 18.

⁴⁹*Instrucciones de vireyes*. The Marqués de Mancera to the Duque de Veraguas, October 22, 1673.

claros, wrote to Philip III in 1607: "Each village employs more Indians in the service of the convent than in all departments of government, and twenty Indians do not contribute as much to Your Majesty as does one to the ministry of the doctrine."⁵⁰

The monasteries collected large sums under the name of alms (*limosnas*). The Convent of San Francisco in the capital, an order which was not permitted to own real estate, had an annual income of \$100,000 from alms alone,⁵¹ and is said on one occasion to have collected \$40,000 in one day.⁵² There is no doubt that this was a very serious drain upon the population, especially the poor, and most especially the Indians. Rivera thus describes the process: "And after the tithe-collectors had passed like a plague of locusts over all the plantations, farms, and Indian villages, carrying away by divine right even . . . the ropes and cords, then from all the convents came the *demandantes*, or lay-collectors of money and all kinds of produce, especially agricultural, under the name of alms for the convent. These *demandantes* brought a train of pack-mules, which they loaded with their gains, and a sculptured image of the principal saint of the monastic order, placed in a niche and carried on a litter; and they were accompanied by four or five servants who helped them carry the image and manage the mule-train. . . ." The prestige of the image and the holy costume made it seem impious to refuse to give alms, and so all contributed. And *demandantes* of the various orders went over the same ground, carrying away the last hen and the last egg.⁵³ The literature of the period contains many references to litigation over the collection of alms, both in civil and ecclesiastical courts.⁵⁴

⁵⁰*Advertimiento sobre algunos puntos de gobierno de Nueva España, agosto 7 de 1607*, quoted by Rivera, pp. 156-157.

⁵¹Humboldt, Book II, chap. 7; Rivera, Vol. I, p. 105.

⁵²It is true that it was a very special occasion, namely, the burning of the church.

⁵³Rivera, Vol. III, p. 272.

⁵⁴*Recopilación*, 1-7-17; 1-18-6, etc.

The law provided that alms could not be collected from Indians except by special permission from both the prelate concerned and the *audiencia*, but the provision seems to have had little effect.⁵⁵

The convents of nuns had an additional source of wealth, namely, dowries. Thrifty fathers preferred to have their daughters marry rather than enter the cloister, for the latter was more expensive. In order to take final vows, the prospective nun must present at least \$4,000 as a dowry, not less than \$600 for the expenses of the ceremony, and a fund called *reservas*, which varied according to the financial position and generosity of the nun's family.⁵⁶ Then she frequently used her influence to obtain donations from her family to the convent.⁵⁷ The orders of nuns, in fact, were more wealthy than the monasteries of monks, both in real estate and in capital placed at interest.⁵⁸

Gifts and bequests to the Church often took the form of a *capellanía* (chaplaincy) which was an endowment fund of \$3,000, the recipient of the income usually being designated and generally being a relative of the donor. The incumbent of this benefice obligated himself to say a specified number of masses yearly for the soul of someone chosen by the giver. Often several *capellanías* were held by the same ecclesiastic, either secular or regular. Sometimes a loan from the clergy took the form of a *capellanía*, the borrower obligating himself to pay the interest of his loan in the form of an annuity to the beneficiary designated by the lender, either in perpetuity or for a certain number of years.

A special form of this donation was the *capellanía de sangre*, which was not necessarily held by a clergyman, but was an endowment founded by some rich man in order to furnish an annuity for a poor relative. This sort of

⁵⁵*Ibid.*, 1-21-2.

⁵⁶*México por dentro y por fuera*, p. 25.

⁵⁷*Instrucciones de vireyes*, pp. 275-276.

⁵⁸See *Memoria de la dirección de justicia y negocios eclesiásticos*, 1833. Mexico, 1834.

capellanía was always held in trust by the clergy, who were the bankers and trustees of the period. Special ecclesiastical courts (*juzgados de capellanías*) were established, whose sole function was to receive these funds—whether by donation or in trust—to invest them, to pay the income to the incumbent, to try cases that arose regarding their enjoyment, and to appoint new beneficiaries to succeed those removed by death. After several generations the *capellanías de sangre* became virtually the property of the Church.

In the later years of the vice-royalty, especially, the clergy came to have a large income also from legal practice in the civil courts, as well as the ecclesiastical. They were permitted by law⁵⁹ to defend cases to which they themselves were a party, or any of their relatives, if they chose, or any "*personas miserables*"; but the law very positively limited their practice to these cases.⁶⁰ It was very common for them to defend Indians, doubtless from the purest of motives in the early days; but this practice, like so many others, opened the door to abuse and gave unscrupulous ecclesiastics another means of winning money and power. There were large numbers of lawyers in New Spain, especially in the capital; and since their legitimate field was so largely usurped by the clergy, they went to absurd and utterly unscrupulous lengths in order to get practice;⁶¹ hence the innumerable and interminable lawsuits of Indians, whose ignorance of the customs of civilization made them an easy prey and whose multitude of grievances, especially over land, predisposed them to listen to any suggestion that offered hope of alleviation.

Commerce, too, inevitably engaged the attention of ecclesiastics. Since the tithes had to be disposed of, there were to be found all over the country, groceries, meat-markets, dairies, shops of all kinds owned by the clergy—a fact which was usually not apparent to the casual observer. As

⁵⁹*Recopilación*, 1-12-1; 2-16-15.

⁶⁰*Ibid.*, 1-10-1; 1-10-4, 5; 3-1-5; 1-12-1. Beleña, I, p. 52, Auto 86 and p. 175, Auto 290.

⁶¹*México por dentro y por fuera*, pp. 51-52.

these stores paid absolutely nothing for their stock and had few expenses, their business grew without effort; they could undersell others and defy competition. Probably the necessity of disposing of the tithes was the beginning of commercial activity on the part of the Mexican clergy and from that it grew inevitably. They had interests in mines and fisheries, served as administrators, agents and trustees, as notaries and advocates, and even as *corregidores* and *alcaldes mayores*. They had large business interests in the names of intermediaries, in order to avoid the appearance of contravening the oft-repeated laws⁶² against their engaging in business and commerce.⁶³

The large sums that came into the possession of the clergy from these various sources were invested principally in real estate and real estate mortgages. The latter was a favorite form of disposing of ready capital. As money came easily to the ecclesiastics and as the Church fulminated against usury, they were indulgent creditors.⁶⁴ They lent at six, five, and even four per cent, and allowed the debt to run on from generation to generation, provided interest payments were prompt. Real estate mortgages, as a rule, were nominally for a period of ten years; yet the mortgagor felt perfectly sure that he would not be called upon for the principal at the end of the period, if he kept up the interest, but usually he was at liberty to pay the whole debt when he pleased.⁶⁵ Some mortgages, however, were "irredeemable" by agreement. The clergy preferred this form, naturally, as it gave them a perpetual

⁶²*Recopilación*, 1-7-44; 1-13-23; 1-14-80; Beleña, I, p. 175, Auto 290; *Concilios provinciales*, pp. 125, 205.

⁶³The Fourth Ecclesiastical Council of New Spain allowed the regular clergy to own wholesale stores, but not retail. (Rivera, Vol. III, p. 291.)

⁶⁴But, according to one account, those who borrowed from the clergy had to add about one-third of the amount in the form of gifts and gratuities (*propinas, obsequios, y gratificaciones*). Maniau, p. 8.

⁶⁵*Reflexiones sobre la ley de 17 de mayo del corriente año (1847) que declara irredimibles los capitales pertenecientes a corporaciones y obras pías*. [Mexico, 1847?]; José María Luis Mora, *Revista política*, p. 82 (*Obras sueltas*, Vol. I.)

investment without further effort on their part. Mortgaged property was bought and sold freely without consulting the creditor, but could not be divided. Since borrowing was so easy, it is no wonder that landowners continued to invest all the capital that came into their possession in this substantial and tax-free form of wealth and to depend upon the never-failing source for their working capital.

Many of the largest rural proprietors were land-poor. After the banishment of the Jesuits and the sequestration of their property (1767) one of the mortgages that the Duke of Terranova paid off to the royal treasury was for the sum of \$121,622.⁶⁶ Some estates worth \$200,000 were hypothecated to the clergy for \$150,000.⁶⁷ The *subdelegado* of Aguascalientes wrote⁶⁸ in 1794 to his chief: "The properties of this jurisdiction are encumbered in foundations and mortgages in favor of cathedrals, convents, chaplaincies, and patronates to a larger amount than they are worth and pay more in interest than they yield, so that their owners are merely the administrators and the real ownership resides in the owners of the foundations."

No wonder there was consternation among the landholders when in 1804 Charles IV, in an effort to support an excessive issue of paper money (*vales*) and to prevent the bankruptcy of his government, proclaimed by royal decree that the funds which the clergy of New Spain had on interest should be called in and paid into the royal treasury. It then came to light and on the unquestioned authority of the Bishop of Michoacán, that the Church had the immense

⁶⁶Riva Palacio, Vol. II, p. 843.

⁶⁷Abad y Queipo, *Representación en contra de la consolidación de vales reales*, p. 84.

⁶⁸*Informe estadístico de D. Pedro de Herrera Leyva, subdelegado de Aguascalientes, 21 de febrero, 1794, al intendente de Guadalajara*, quoted by Rivera, Vol. I, p. 106.

sum⁶⁹ of \$44,500,000⁷⁰ invested in this manner⁷¹ and that agriculture would be ruined if so large an amount were suddenly withdrawn. The clergy and the landed proprietors joined hands to oppose the calamitous decree and so effective was their resistance that only about \$1,200,000⁷² was collected, according to Humboldt, though another account⁷³ mentions \$6,000,000 as the amount collected. So it was not altogether a sentiment of piety and devotion that kept the landholders invariably on the side of the Church in the long-drawn-out struggle of later years, but it was, in part, the strong tie of financial interest, for they were economically dependent on the clergy.

The accumulation of real property by the Mexican clergy began early in the colonial era. In 1578—long before the economic domination of the Church had reached its apogee—the *cabildo*, or town council, of Mexico City besought the king to forbid the Augustinians and Dominicans to acquire any more property in the capital, either by purchase or inheritance, since they already owned “the largest and best part” and would soon own all of it unless their acquisitiveness were curbed.⁷⁴

It is by no means sure that all their property came into the hands of the clergy by legitimate investment. Some of it, perhaps much of it, was acquired by direct usurpation of the property of others, especially Indians.⁷⁵ The monks

⁶⁹Some scholars think the amount was much larger. The anonymous author of *Consideraciones sobre la situación política y social de la república mexicana en el año 1847* estimates that it was \$80,000,000.

⁷⁰Manuel Abad y Queipo, *Escrito presentado a D. Manuel Sisto Espinosa del consejo de estado y director único del Príncipe de la Paz en asuntos de Real Hacienda, dirigido a fin de que se suspendiese en las Américas la real cédula de 26 de diciembre de 1804, sobre enajenación de bienes raíces y cobro de capitales píos para la consolidación de vales reales*. In Mora, *Obras sueltas*, Vol. I, pp. 100–118.

⁷¹Some of it was invested in commerce, but by far the greater part in agriculture.

⁷²Humboldt, Book IV, p. 99.

⁷³Parra, p. 51.

⁷⁴Altamira y Crevea, *Historia de España*, Vol. III, pp. 345–346.

⁷⁵*Recopilación*, 1–7–11.

and prelates who had *encomiendas* were probably no more conscientious regarding the land of the Indians composing them than were lay *encomenderos*. The secular clergy charged also that the regulars retained *reducciones* or villages of natives—instead of turning them over to the seculars—because they were interested in the Indians' land, which they usurped and administered as their own.⁷⁶ In the frontier regions the *padres* in charge of missions almost invariably usurped the neophytes' lands, which in the course of a generation or two became unquestionably the property of the missions.⁷⁷ As the mission Indians were not subject to civil, but solely to ecclesiastical authority, unscrupulous or misguided *padres* were entirely unhampered in their acquisition of the neophytes' property.⁷⁸

A story of spoliation on the part of ecclesiastics is related by a friar of La Merced. This order owned, in the capital city, a convent in one block and a church in the next. The monks desired to join the two by closing the intervening street, but a number of small houses stood in the way. When the prior of the monastery consulted the viceroy, the Count of Monterey, about the difficulty, the latter replied that there was no legal method of accomplishing the desired object; but he suggested that the friars might go out at night with their tools and close the street. They did so; and when the inhabitants thus despoiled appealed to the viceroy, he counseled them to "take it kindly and try to get along well with the monks, for it would be an advantage to have them as friends."⁷⁹ Accordingly they desisted and the church remained encloistered.

It is impossible to do more than guess at the amount of real property owned by the Church at the end of the colonial period. In 1796, according to a reliable and official source,⁸⁰ the income of the clergy from rented property

⁷⁶Maza, pp. 151-153. Mexico, 1892.

⁷⁷Mora, *Méjico y sus revoluciones*, Vol. I, p. 273.

⁷⁸Maza, pp. 198-204, 308-310, 328-330.

⁷⁹Pareja, *Crónica de la provincia de la visitación de Nuestra Señora*, estado 2, cap. 8, quoted by Rivera, Vol. I, p. 166.

⁸⁰*Padrón general de las casas de esta capital*, p. 220.

in the capital city alone was \$1,060,995 out of a total of \$1,911,201. This income, capitalized at five per cent would give a property valuation of \$21,219,893.⁸¹ The Carmelites had *haciendas* extending from the City of Mexico to Tampico, a distance of 120 leagues.⁸² Four-fifths of the real estate in the diocese of Puebla, where the Church was exceedingly strong, is said to have belonged to communities of monks and nuns, cathedral chapters, corporations and hospitals.⁸³ One writer estimates the income of the clergy in 1800 at \$13,000,000⁸⁴ which, capitalized at five per cent, would give \$260,000,000 as the valuation of productive property.⁸⁵ Lucas Alamán, a decided partisan of the clergy in their later struggles with the republican government, estimated that not less than half the real property and capital of the country belonged to the Church at the end of the colonial era. Most of the remainder was controlled by the clergy through mortgages. The Church was the landlord, the banker, and the trustee of the period.

There was no lack of wise legislation directed toward curbing the economic dominance and secular power of the clergy in the New World. By it the Holy See, the government of Spain and the four Church councils that were held in New Spain during the colonial era, ordered a reduction in the number of clergymen, limited the landed holdings and investments of the Church, forbade the clergy to engage

⁸¹In spite of their enormous interests in the capital city, the clergy stretched their *fuero* (see *infra*, p. 62) to the point of refusing to bear any share of the expense of paving the streets. *Instrucciones de vireyes*, pp. 22-23.

⁸²Anastasio Zerecero, *Memorias para la historia de las revoluciones en México*, p. 5, note 1. Mexico, 1869.

⁸³Humboldt, Book III, p. 125.

⁸⁴Bancroft, *History of Mexico, being a popular history of the Mexican people from the earliest primitive civilization to the present time*, p. 560. New York, 1914.

⁸⁵I. C. Enríquez (*The religious question in Mexico by a Mexican Catholic*, p. 6. New York, 1915) estimates the Church's income at the end of the colonial era at \$50,000,000 which would indicate productive property worth \$1,000,000,000; but this is obviously too high an estimate.

in business, mining, and legal practice, and restrained them from holding *encomiendas* and otherwise exploiting the aborigines. As early as 1533 a royal decree forbade settlers and *conquistadores* to sell their property to "church, monastery or other ecclesiastical person" under penalty of having their holdings confiscated.⁸⁶ In 1537 Pope Paul III issued a bull prohibiting the Church to acquire property at the expense of the Indians.⁸⁷ A decree of October 24, 1576, forbade "monasteries of friars or nuns" to acquire any more property, income, or business interests than they already had.⁸⁸ In 1796 a decree imposed a tax of fifteen per cent on all property sold to mortmain proprietors.⁸⁹ A royal decree of December 22, 1800, forbade testators to leave their property to their confessors or to the relatives of the latter, or their communities or churches.⁹⁰ These and many other similar provisions seem, however, to have had little effect. The distance from the seat of authority was too great for enforcement to be possible, the tide was too strong, opportunities for exploitation were too attractive, and there were too many black sheep in the fold.

The economic hold of the clergy was strengthened and secured by their secular power and political influence. Every branch of public administration was subjected to their influence. Out of sixty viceroys eleven were bishops or archbishops. They governed the Indians and *castas* despite the effort of the civil government to emancipate them.

The economic domination of the clergy was further increased by their control of the courts. They exercised the power to imprison, to torture, to sentence to servitude and

⁸⁶*Recopilación*, 4-11-10; 4-12-10.

⁸⁷García y Pereyra, Vol. V, p. 258. Cf. *supra*, p. 24.

⁸⁸González Roa, p. 291.

⁸⁹*Recopilación*, 4-12-10, note.

⁹⁰Manuel Dublán y José María Lozano, *Legislación mexicana, o colección completa de las disposiciones legislativas expedidas desde la independencia de la república*, Vol. I, pp. 80-82. Mexico, 1876-1904. Cf. also *supra*, p. 50.

to the galleys.⁹¹ They could and did proceed against civil officials who infringed the laws against their engaging in commerce while in office, yet they themselves could ignore civil laws with impunity and hide behind the ecclesiastical *fuero*.⁹²

Furthermore, the clergy had sole charge of vital statistics and came to have entire control of probate matters. They decided on the legitimacy of births, rights of succession to property, degrees of consanguinity, the legality of wills, and the disposal of the possessions of those who died intestate. Their power to acquire property was limited only by their own will to do so; and their opportunities for acquisition were unlimited.

⁹¹*Recopilación*, 1-10-6, 7, 8; 1-13-6; Beleña, Vol. I, pp. 60, 83; Altamira, *Historia de España*, Vol. III, p. 415.

⁹²*Ibid.*, 1-10-4. According to Bishop Abad y Queipo, the immunities of the clergy, or the privileges granted to their profession and persons, were both positive and negative. The latter consisted of exemption from taxation, personal services and public burdens (*cargos públicos*). The positive privileges were the right to be tried by ecclesiastical judges, the authority which the clergy exercised in many matters and cases (*cosas y causas*) not strictly spiritual, and finally the dignity of forming one of the three estates which composed the monarchy. The nobility and the clergy, said the bishop, were the two columns supporting the throne. *Representación sobre la inmunidad personal del clero*, pp. 10-11. In Mora, *Obras sueltas*, Vol. I.

CHAPTER IV

EARLY ATTEMPTS AT REFORM

Mexico's wars from 1810 to 1821 accomplished little more than separation from Spain. Liberty, fraternity and equality were as much strangers to that troubled country after 1821 as before; in fact, that date may be considered as the starting-point of the struggle for liberty and democracy—a struggle that continues to the present day. The new republican government found itself face to face with a power against which it was well-nigh helpless, a power older, wealthier, better organized, and with infinitely more prestige than itself—the Church.

The first really significant step in the long conflict between the temporal and ecclesiastical authorities in Mexico had been taken in the colonial era—the expulsion of the Jesuits and the sequestration of their property. In the early dawn of June 25, 1767, in all parts of the viceroyalty simultaneously, the members of the order were arrested preparatory to their expulsion and confiscation of their property. This order was very rich and powerful in New Spain possessing—besides several monasteries, twenty-five schools, the missions of Sonora and those of the Californias—urban and rural property and capital placed at interest sufficient to support all these institutions.¹ Their capital was ordered to be called in and their real property, with the exception of schools and monasteries, which were retained to be used as schools and eleemosynary institutions, was ordered to be sold.

This dramatic event was so hastily consummated that the transfer of property to the royal control was incomplete;

¹*Colección general de las providencias hasta aquí tomadas por el gobierno sobre el extrañamiento y ocupación de temporalidades, de los regulares de la compañía de Jesús que existían en los dominios de S. M. de España, Indias e Islas Filipinas, a consecuencia del real decreto de 27 de febrero y pragmática sanción de 2 de abril de este año. De orden del Consejo en el Extraordinario. Madrid, 1767.*

collusion took place between the buyers and the authorities appointed to conduct the sales, so that often the conveyance was on the basis of the buyer's assuming fictitious debts on the property,² thus virtually receiving it gratis. Still, after transportation expenses and annuities for each member of the order had been deducted, and after the royal treasury had assumed all the obligations of the members, as late as 1792 the receipts for that year were \$2,864,515.³ In 1829 there still remained \$239,530 in *temporalidades*, or property of the extinct order of the Society of Jesus.⁴ One hundred and twenty-three *haciendas*,⁵ the richest and best of the country were sold, besides a large amount of urban property. The amount of money which the Jesuits had out on interest may be guessed from the incident of the Duke of Terranova previously mentioned.⁶ Another important event in colonial times was the *consolidación de vales reales*, already referred to,⁷ which, while its net financial results were not extensive, was yet significant in principle.⁸

During the colonial era the civil arm had a check upon the ecclesiastical—the royal patronage. When the Jesuits were banished and their property was confiscated, there was not the slightest protest on the part of the clergy. When Charles IV decreed the confiscation of ecclesiastical property and capital for his *consolidación de vales reales*, Bishop Abad y Queipo protested, to be sure, but mildly and

²*Colección general de las providencias tomadas sobre el extrañoamiento y ocupación de temporalidades de regulares de la extinguida orden de la Compañía de Jesús, que existían en los dominios de S. M., parte quarta.* Mexico, 1778. "Orden circular de 3 de noviembre de 1769, a las juntas provinciales."

³Maniau, pp. 67-68.

⁴Dublán y Lozano, Vol. II, pp. 118-121.

⁵Riva Palacio, Vol. II, p. 843.

⁶*Supra*, p. 57.

⁷*Ibid.*

⁸Incidentally this event was the occasion of the sporadic rebellion of 1808. Gabriel Yermo, who led the band that arrested Viceroy Iturrigaray (September 15, 1808), owned several *haciendas* valued at \$2,000,000, which were deeply mortgaged to the clergy. Zerecero, pp. 14-16.

respectfully, and in the name of the landholders, not the clergy.

The so-called wars of independence began as an outburst of the masses and ended as a triumph of the privileged groups. The conflict was essentially a civil war, a struggle between the lower and upper strata.⁹ Probably the 80,000 Indians and *mestizos* that followed Hidalgo and Morelos had extremely dim ideas of what they were fighting for; they only knew that they were miserable and hoped for alleviation of their wretchedness. Perhaps some of the Indians vaguely expected¹⁰ to recover their lands, to free themselves from servitude, tribute and the many exactions that made life a burden. Four-fifths¹¹ of the masses were in rebellion during the first three or four years of the war, and they seized large numbers of *haciendas* which they did not cultivate but found a fierce joy in holding. As the war continued with no results visible to the masses, they gradually fell away and the final victory was won by the privileged classes. The clergy and large landholders were not interested in separation from the home country as long as reaction prevailed there; but the establishment of constitutional government in Spain (1820) and the unmistakably liberal trend in ecclesiastical matters there, settled the issue in New Spain; the privileged classes decided for independence, and it was consummated.

The clergy emerged from the wars with relatively greater economic strength than before. True, they had lost some

⁹The clergy and the large landholders furnished both money and men to fight the insurgents. Juan Moncada, Conde de S. Mateo Valparaíso y Marqués del Jaral recruited and equipped, merely from the peons of his plantation, a whole regiment of which he was made colonel. (Riva Palacio, Vol. III, p. 126.) The prior of the convent of Carmen alone promised, at the outbreak of hostilities, \$200,000 in cash, 10,000 horses and 700 men, mounted and supported by the *Hacienda del Pozo*, which belonged to that convent. *Relación de Fray Gregorio de la Concepción*, quoted by Riva Palacio, Vol. III, p. 148.

¹⁰E. Maqueo Castellanos, *Algunos problemas nacionales*, p. 76. Mexico, 1909.

¹¹Abad y Queipo, *Edicto*, p. 165.

millions of dollars in tithes—for the bishops, as a special dispensation, had held sureties responsible for only a proportionate amount of collections.¹² True, they had given large sums voluntarily to their supporters and had been forced to give or lend other large sums to their opponents; yet their proportional losses were small as compared with those of the landholders. The *haciendas* had declined greatly in value during the wars, some of them being worth scarcely half of their pre-war valuation. Payment of interest on mortgages was suspended during the years of civil strife, because the *haciendas* yielded so little return that their owners found it impossible to meet their obligations. At the close of hostilities the clergy demanded the accrued interest, and the *hacendados* whose estates had been mortgaged to the amount of their full valuation more or less, now found themselves obligated to that same amount plus accrued interest, though their property was worth only about half as much as before the wars. The result was that some suffered the loss of their estates and were totally ruined, and that others were forced to mortgage their property yet more deeply to the clergy.¹³

The power of the Mexican Church was also greatly increased by the actual separation from Spain. In the opinion of the political leaders, the patronage had passed to the civil government as successor to the King of Spain. The view of the Holy See, on the other hand, was that the patronship had been a special and personal favor shown to the sovereigns of Spain and did not pass to the civil government without an express declaration to that effect. Since such a declaration was not forthcoming, the Mexican clergy regarded their authority as virtually independent of the civil government, as long as the Vatican did not enter into a concordat with the republic on the matter. The ecclesiastical *fueros*, or privileges, of the clergy were now strengthened by their independence of the civil authority, and their arrogance knew no bounds.

¹²Abad y Queipo, *Edicto*, pp. 162–163. Cf. *supra*, p. 49.

¹³Mora. *Méjico y sus revoluciones*, pp. 503–507.

The period of greatest ascendancy of the clergy in Mexico was from 1821 to 1856, and especially from 1821 to 1833.¹⁴ It brought forth many changes and reforms, but they were extremely temporary, following the kaleidoscopic changes in government, and were important only as showing the general trend of opinion and sentiment. The state governments were the bulwarks of liberalism and the clergy of reaction, while the national government wavered, vacillated, and swung from one extreme to the other.¹⁵ The attempted reforms¹⁶ of the state governments were for the most part entirely ineffective, because the clergy slipped out on the ground of ecclesiastical privilege or on the pretext that the matter pertained to the central government. In 1823, to be sure, the government nationalized the very considerable property of the Inquisition,¹⁷ consisting of urban and rural real estate and capital loaned on mortgage security, abolished primogeniture and destroyed many privileged associations and guilds, such as those of lawyers and merchants; but it did not dare to attack the main *fuero*—that of the clergy—consequently the many ecclesiastical corporations with their large property and capital survived almost unimpaired.

In 1833, however, relations between the temporal and ecclesiastical authorities reached a crisis. The central government was in desperate financial straits; its revenues did not suffice even for ordinary expenditures, of which there was an accrued deficit of more than \$36,000,000; the public

¹⁴M. Otero, *Ensayo sobre el verdadero estado de la cuestión social y política que se agita en la república mexicana*, p. 38. Mexico, 1842.

¹⁵Mora, *Revista política*, pp. 1-292.

¹⁶Under the Constitution of 1824 several states attempted measures similar to the Reform of 1856-1859. There were also isolated efforts to remedy the agrarian situation such as that of Francisco García, governor of Zacatecas, who bought up some large estates and sold them in small parcels, but such measures were not a drop in the bucket. Mora, *Méjico y sus revoluciones*, Vol. I, p. 512; González Roa, pp. 69-70.

¹⁷In 1829 the ex-inquisition property still amounted to nearly \$2 000,000. Dublán y Lozano, Vol. II, pp. 122-124.

debt amounted to nearly \$128,000,000 and the government was not able to pay interest on it. The property of the Church at this period was conservatively estimated by J. M. L. Mora,¹⁸ one of the authors of the 1833 reform, at \$180,000,000, and the clergy's income at \$7,500,000—more than the revenues of all the state governments combined. It was impossible for the national government to tax secular real estate because it was mortgaged beyond its value to the clergy; industry could not be taxed, for it was reduced to almost nothing; nor could mining, which had not recovered from the effect of the war and was deeply encumbered; nor commerce, which had been almost destroyed by contraband operations. Consequently the only means left for obtaining revenue was to draw upon ecclesiastical properties, which were in a relatively prosperous condition. Furthermore, the government owed the clergy more than \$13,000,000; so confiscation of the Church property and capital would automatically extinguish that much of the internal debt.

Valentín Gómez Farías, who was at that time vice-president and acting president under Santa Ana, had worked out a very elaborate plan of reform and published it in the official paper, *El Indicador de la Federación*. He and his collaborators calculated that the ecclesiastical resources were sufficient both to extinguish the national debt and to support the Church, if the latter were under government control. Their plan was more comprehensive and far-reaching than the one that was finally put into operation in 1856-1859. It was, Mora says, a "perfect plan," but, while both houses of Congress debated over each of the one hundred articles, the forces of reaction gathered and the storm descended. The opportunity was lost; it was impossible to do more than inaugurate a few fragmentary and isolated

¹⁸*Revista política*, pp. 112 and 372-373. Mora itemized his calculation and omitted a number of important items, such as schools, hospitals, libraries, some churches and ecclesiastical residences, because, as he stated, he did not know their value. His estimate is, therefore, probably a decided understatement.

measures, some of which were annulled almost immediately by the theatrical Santa Ana, whose policy seems to have been to put his vice-president forward whenever funds were needed and then to dash in himself as the savior of vested interests and the defender of the Church.

Some of the more important of these reform measures were: the declaration that payment of tithes to the Church was no longer a civil obligation;¹⁹ the secularization of the California missions and incorporation into the national treasury of funds and real estate belonging to them;²⁰ the nationalization of all pious funds whose revenue went out of the country,²¹ among them those for Philippine missions; the cession of the remaining property of the Jesuits to the states in which it was situated, to be used for purposes of public education; and the prohibition of the clergy's calling in loans,²² which they were doing on a large scale in order to put their funds in a place of safety. On their part, the clergy did not fail to point to the deadly epidemic of cholera which devastated the country in 1833 as an evidence of divine wrath against the despoilers of the Church.²³

¹⁹But tithes continued to be paid as before, for the clergy had the powerful weapon of excommunication with which to enforce compliance. Many were refused absolution at death until they willed to the Church their arrears of tithes. *Consideraciones sobre la situación política y social de la república mexicana, en el año 1847*, p. 10. Mexico, 1848.

²⁰In 1842 these funds amounted to more than \$4,000,000. *Manifiesto a la República Mexicana, que hace el General de Brigada José Figueroa, Comandante General y Gefe Político de la Alta California, sobre su conducta y la de los señores D. José María de Híjar y D. José María Padres como directores de colonización en 1834 y 1835*. (Quoted by Rodríguez de San Miguel, *Guía de Méjico*, p. 19. Mexico, 1845.)

²¹This had been decreed in 1822, but had been reversed by one of the intervening governments. (*Memoria de hacienda y crédito público, 1869-1870*, pp. 69, 154.)

²²The object of the prohibition was to protect the landholders upon whom this operation was working great hardship.

²³Carlos María de Bustamante, *Campaña sin gloria y guerra como la de los cacomixtles en las torres de las iglesias. Tenida en el recinto de México. Causada por haber persistido D. Valentín Gómez Farías, Vice Presidente de la República Mexicana en llevar adelante las leyes*

The years 1833 and 1834 are notable also for an interesting movement among the Indians. The extreme Liberal wing, led by Pedraza and Rodríguez Puebla—the latter a full-blooded Indian—advocated maintaining in *statu quo* the Indian communal property,²⁴ establishing special schools and coöperative societies for the Indians and granting them special religious and civil privileges—in a word, giving them distinct civil status and pre-eminence as a race. This party published an official organ, *Fénix de la Libertad*, and was quite active, but was strongly opposed by Gómez Farías, who believed the races should be amalgamated as fast as possible and there should be no distinction based on race. This wing, alienated by the vice-president's attitude was, in part, responsible for his downfall.²⁵

In the next few years the clergy, seeing the fatal trend of events, began to dispose of their real estate as rapidly as possible. It is said that between 1833 and 1860 they sold real property valued at \$85,000,000 for about \$42,000,000.²⁶ The government, in an effort to put a stop to this process, decreed (October 14, 1841) that religious corporations could not sell property without its permission. In 1842, also, a tax of fifteen per cent was imposed on any acquisition, by mortmain proprietors, of real estate and funds for pious works, benefices, chaplaincies, etc.²⁷

The next crisis came in 1847. At the beginning of that year the president, Santa Ana, was leading the army of Mexico against the United States, and the vice-president, Gómez Farías, was acting in his stead at the capital. The

de 11 de enero y 4 de febrero de 1847, llamadas de manos muertas que despojan al clero de sus propiedades con oposición casi general de la nación, p. 7. Mexico, 1847.

²⁴There was continual agitation among politicians for the abolition of communal ownership and the substitution of private ownership of property.

²⁵Mora, *Revista política*, 262-264.

²⁶Hubert Howe Bancroft, *History of Mexico, 1516-1887*, Vol. VI, p. 591. San Francisco, 1883-1890.

²⁷The Sisters of Charity were exempted from the effects of this law, as were also donations to hospitals.

army being in desperate financial straits, Congress was in continuous session, day and night, January 7 to 10, trying to find a way out. Santa Ana thereupon sent a private and confidential letter²⁸ to Gómez Farías, suggesting that he have Congress authorize the vice-president to raise \$15,000,000 on ecclesiastical property. Congress docilely authorized Gómez Farías to "take the necessary financial steps to carry on the war with the United States." Accordingly the vice-president issued an executive decree (January 11, 1847) providing that the government obtain \$15,000,000 by mortgaging or selling at auction property held in mortmain, excepting that of educational and eleemosynary institutions and with certain restrictions regarding mortgage loans, designed to make the burden as light as possible upon usufructuaries and tenants. Other decrees followed on January 14, February 4, and March 11, providing for the apportionment of the sum among the bishoprics and the time and manner of payment.²⁹

The archbishop, the metropolitan chapter, and many bishops protested violently and virulently, calling attention to the fact that in the war with the United States alone, the clergy had already furnished more than \$1,200,000, and had allowed their property to be mortgaged as security for a foreign loan of \$20,000,000.³⁰ The Cathedral of Mexico and many churches were closed in protest; bitter notes passed between the Cathedral Chapter and the Town Council. But, as their protests went unheeded and decree followed decree in fateful succession, the only recourse of the ecclesiastics seemed to be to arouse a vigorous rebellion in the capital city at the very hour when the American army of invasion was marching rapidly upon it³¹—an event which was interpreted by some of the clergy as a sign of divine wrath as the cholera epidemic had been in 1833.³²

²⁸Riva Palacio, Vol. IV, pp. 589–608.

²⁹*Memoria de hacienda y crédito público, 1869–1870*, pp. 28–30.

³⁰*Despojo de los bienes eclesiásticos*, p. 24. Mexico, 1847.

³¹*Memoria de hacienda y crédito público, 1869–1870*, p. 28.

³²*Campaña sin gloria*, p. 7.

At this dramatic moment Santa Ana hastened to the capital on the very day (March 28, 1847) that a new decree—probably authorized by him—was promulgated, empowering the executive to raise \$20,000,000 without alienating any national territory, contracting forced loans, making colonization contracts, attacking the property rights of individuals or those of educational and eleemosynary institutions. Ecclesiastical property was not mentioned, but evidently the decree was aimed at it and it alone. The clergy acknowledged defeat in this bout by offering \$2,000,000 in cash for the derogation of the law, to which Santa Ana acceded, issuing a decree to that effect on March 29, 1847. Thus he won the gratitude of the clergy and seemed also to back the Liberal administration.³³

In order to raise the promised \$2,000,000 the clergy, not willing to dispose of any more real estate, began to call in mortgage loans. This aroused much opposition and complaint from the *hacendados*, upon whom it really worked a hardship in all probability; they besought the government for help and the reply was the "law of May 17" (1847), forbidding the clergy to call for the redemption of mortgage loans.

The year 1847 was marked also by several desperate uprisings of Indians, which began with their attempts to take lands from the whites—lands which the latter had in turn taken from them. The standing committee on colonization, in the ministry of *Fomento*, thereupon presented to the president a petition in which it was urged that something be done for the Indians, instead of for foreign colonists. The Indians, it was said, were exasperated by suffering due principally to lack of land sufficient to support them. They were only asking for "protection, justice, and a means of livelihood." Peace was impossible while a few individuals possessed veritable kingdoms and the masses were mere serfs.³⁴

³³Riva Palacio, Vol. IV, pp. 589-608; *Memoria de hacienda y crédito público, 1869-1870*, p. 28.

³⁴Maza, pp. 368-393.

The next serious clash between temporal and ecclesiastical authorities in the matter of property came in 1855, when Benito Juárez, Minister of Ecclesiastical Affairs and Public Instruction in the cabinet of Juan Álvarez, sponsored the law bearing his name, the *Ley Juárez* (November 22, 1855). Among other provisions regarding special tribunals, it forbade ecclesiastical courts to take cognizance of civil cases and limited their jurisdiction to offenses of the clergy.

The promulgation of the *Ley Juárez* precipitated a formidable rebellion in the state of Puebla—the stronghold of the Church—led by Antonio Haro y Tamariz and incited and financed by the clergy of the bishopric of Puebla. President Comonfort, who had taken office December 11, suppressed the uprising with considerable loss of life and the expenditure of \$1,200,000. The president then issued a decree providing for the sequestration of property of the bishopric of Puebla in an amount sufficient to indemnify the government for war costs, to pension the disabled and the families of the killed, and to indemnify the inhabitants of Puebla for the damage incident to the siege. The governor of the state, General Traconis, was given dictatorial powers for putting the decree into effect. An office was established³⁵ for handling the confiscated property; officials of tax and registry offices were required under severe penalty to furnish data regarding ecclesiastical holdings.

The opposition of the clergy to this measure was desperate. Finding that pastoral letters and edicts were inefficacious, they resorted to threats of excommunication and to refusal of sacraments; they also used the confessional and their personal influence upon individuals to prevent them from buying the property or giving information about it. They concealed titles, deeds, and account books and

³⁵This office was in charge of Juan de la Portilla, whose account of his activities is the basis of this résumé. (*Episodio histórico del gobierno dictatorial del Sr. I. Comonfort. Escrito en propia defensa por Juan de la Portilla. Mexico, 1860.*)

forced stewards to hide or go into exile. The people of Puebla, moreover, were slow to purchase the property, because of their piety and their devotion to the clergy, because of lack of faith in the permanence of the law, and because they preferred to forego the opportunity of a good bargain in real estate rather than fall into the claws of the Evil One. There was not in Puebla even a child of eight years that did not recite: "No devil that makes any attempt against the holy priesthood or against the property of the Holy Church will be absolved, confirmed, married, or buried in holy ground." Nevertheless President Comonfort persisted, and by September 7, 1857, the sequestration operations were ordered suspended, their purpose having been practically accomplished.³⁶

The Puebla incident was really the opening gun in *La Reforma*, the most significant and dramatic period of Mexico's history. Comonfort would have been the hero of that movement, had it not been for his fatal policy of conciliation and his failure to see that this was no time for compromise, that only the most drastic procedure could hope for even a measure of success.

³⁶It is likely that quite a large sum of money was realized, for, besides the amounts collected for the purposes provided by the decree, Juan de la Portilla, who was in charge of the sequestration operations, charged to "extraordinary expenses," according to his own statement, his salary of \$300,000 per month. (Portilla, p. 112.)

CHAPTER V

THE REFORM

On the eve of *La Reforma* social and economic conditions had not changed greatly—and certainly they had not improved—from the gloomy description given by Bishop Abad y Queipo at the end of the colonial period. None of the burdens that weighed down upon the masses had been removed or lightened. The landholders, perhaps in an effort to retrieve their fortunes impaired by the wars, perhaps hardened by the continual efforts of the Indians and the masses in general to seize and hold lands, had encroached more than ever on the village properties until in many cases the villages held only the land on which their miserable *jacales*, or huts, were built.

In some places the ignorant Indians still paid tribute “to the king of Spain” and gave money for the “Redemption of Captives” and the “Holy Places of Jerusalem,” despite the nationalization of these funds.¹ Some of the clergy, taking advantage of their alleged freedom from the restraint of the civil authority, exacted even more excessive parochial fees than before. The peon who earned thirty *pesos* per year had to pay almost a year’s wages for the marriage ceremony or else live without the sanction of the Church.² There were even parish priests, according to Melchor Ocampo, “the sociologist of the Reform,” whose income was greater than the salaries of state governors, cabinet members, or judges of the Supreme Court.³ The yearly income of the archbishopric of Mexico was \$348,378.⁴

¹*Consideraciones sobre la situación política*, p. 6.

²*Respuesta primera que da Melchor Ocampo al señor autor de una impugnación a la representación que sobre obvenciones hizo el mismo Ocampo al honorable Congreso de Michoacán*. Morelia, 1851.

³Ocampo argued that, since parochial fees could be collected by civil authority, they were a tax and the same authority had a right to reduce them.

⁴Fortuno Hipólito Vera, *Catecismo geográfico-histórico-estadístico de la iglesia mexicana*, pp. 12–14. (Amecameca, México?), 1881.

Although considerable inroads had been made upon the ecclesiastical holdings, the presbyter, Hipólito Vera, estimated that the real property of the Church was worth \$184,600,000.⁵ This was merely productive real estate (*fincas rústicas y urbanas*) and did not include churches, monasteries, schools, hospitals, furniture, plate, libraries, and art treasures. Ninety per cent of the urban property was said to be owned by the clergy and most of the rural real estate either belonged to them in reality, or virtually so, because of being so deeply mortgaged in their favor.⁶

The revolution of Ayutla was vaguely committed to agrarian reform. The masses, giving a literal interpretation to general phrases about liberty and progress, insistently demanded land, and various uprisings took place having for their object the seizure and distribution of it. General Álvarez, leader of the Ayutla revolution, when bitterly attacked by the conservative press for atrocities incident to these uprisings, replied in his *Manifiesto a los pueblos cultos de Europa y América*, setting forth the wretched condition of the peons who were bought and sold like slaves and then held by means of debts which passed on and on even to the eighth generation. "The *hacendados*' insatiable greed for land," he continues, "never diminishes; they gradually possess themselves both of the lands of individuals and the *ejidos* of villages—when there are any—and then, with the most incredible impertinence, allege ownership without presenting a legal title of acquisition, while the villages clamor for justice and protection, but the courts are deaf to their cries. Contempt, persecution, and imprisonment are the penalty meted out to those who but claim their own property."⁷

The *hacendados* issued a pamphlet in reply to Álvarez' manifesto, invoking the sacred rights of property against those who "without religious or civil principles, have no regard for property rights and, with an insatiable thirst

⁵*Ibid*, p. 15.

⁶Mora, *Méjico y sus revoluciones*, Vol. I, pp. 513-514.

⁷Riva Palacio, Vol. V, pp. 249-252.

for lands, continually invade those of adjoining owners, whether *hacendados* or villages." "And," they ask, "in order to put it into such hands, will these psuedo-philanthropists deprive us of our property? There could be no surer means of reducing the country to barbarism."⁸

But in reality the landed proprietors had no immediate cause for anxiety, for economic warfare was to take a purely theological turn: the reformers were training their guns on the great landholder—the Church. Previous measures had been ineffective and had only served to make the clergy tighten their grasp and prepare for the fray which was to be war to the death, economically and even literally speaking.

The first reform that was in any sense national in scope was the Law of Expropriation (*Ley de desamortización*), June 25, 1856, called *Ley Lerdo*⁹ from the name of its author, Miguel Lerdo de Tejada, Minister of the Treasury under President Comonfort. The law provided that no corporation, civil or ecclesiastical, would be permitted to acquire or own real property (*fincas*); that properties, both rural and urban, then owned by such corporations, would be adjudicated to the tenants or usufructuaries at a price determined by capitalizing the rent or canon at six per cent;¹⁰ that properties not rented or leased would be sold at public auction. If a tenant did not take proper steps to secure his right within three months, the property would then be open to denunciation at the same price. At any time within the three months the corporations were at liberty to make sales, with the approval of the government.

⁸González Roa, pp. 70–77.

⁹*Código de la reforma: o sea, colección de las leyes que afectan especialmente a los católicos y al clero, ordenada y anotada por Francisco Pascual García*, primera edición, pp. 170–192. Mexico, 1903.

¹⁰One object of adjudicating the property to tenants was to find out what and where it was, as the government had practically no data regarding it. (Parra, pp. 120–121.) As applied to the church properties, the process was that of expropriation and adjudication or sale; as applied to property owned by civil corporations, expropriation and allotment in severalty.

The manner of payment was to be a *censo redimible* (redeemable by agreement) at six per cent, that is to say, the purchaser was to pay six per cent interest per year indefinitely with the privilege of paying the principal at any time and receiving a clear title. All sales were subject to the payment of the *alcabala* at five per cent, one-half in cash, and one-half in bonds of the public debt.

The *Ley Lerdo* was in reality a very moderate measure. Its supporters in Congress nevertheless had a stiff fight for its adoption. Their leader, Francisco Zarco, made much of the fact that the attempted reforms of 1833 and 1847 had failed largely because of being too radical. The measure did not deprive the Church of any property—merely changing its form and reimbursing the owner; it made no attack upon the mortgaging and money-lending operations of the clergy; it did not touch the vast funds of the *capellanías* and pious works; it did not disturb conventual and church buildings, educational and eleemosynary institutions, parish houses and episcopal residences; it did not question the right of ecclesiastical corporations to exist and perform all economic functions except that of owning real property.

The purposes of the law,¹¹ as stated in the circular accompanying it, were to make real property more mobile, thus conducing to its improvement and development, to equalize taxation of real estate, and to increase the revenue of the government by receipts from the *alcabala* and other forms of taxation. A studied silence was maintained as to the political side of the question, only the economic advantages being stressed.

The clergy, however, were not slow to see the former side, and, with the exception of the Bishop of Guadalajara who accepted the situation gracefully, the protests from prelates were violent. For the most part they contended that the government had no jurisdiction over the Church and must take the matter up with the Holy See. On the other hand, the Liberals hailed Lerdo de Tejada as the

¹¹Riva Palacio, Vol. V, pp. 150–153.

savior of his country and prophesied an era of unprecedented prosperity.

Nevertheless the results were extremely disappointing from the standpoint both of property movement and of revenue. Señor Lerdo published a detailed account¹² of the operations of expropriation for the first six months after the passage of the law; but from that point on there is no record, the archives having supposedly been carried away by Juárez in his hasty exit from the capital in 1858.¹³

Lerdo's account contains, besides the one hundred and forty-four circulars explaining the law, a list of more than nine thousand¹⁴ pieces of property adjudicated to tenants or sold at auction—principally the former—in the period of six months. The total valuation was \$23,019,280.72, though Lerdo says the prices were very low and the actual value was probably upwards of \$50,000,000. The prices ranged from 39 cents to \$333,333; the great bulk of the property was urban and situated in the capital.¹⁵ The author says that the returns were very incomplete, several states not having been heard from at all and some others reporting only three to nine adjudications. Unfortunately the size of the tracts is given in only a few cases; so far as one may judge from those mentioned, the usual price for improved agricultural land was about two pesos per acre. As for revenue, the *alcabala* for the period mentioned produced for the government \$1,083,611.01, of which the sum of \$308,302.28 was in securities of the internal debt—an insignificant amount.

The *Ley Lerdo* remained in force about eighteen months.

¹²*Memoria presentada al Exmo. Sr. Presidente Sustituto de la República por el C. Miguel Lerdo de Tejada, dando cuenta de la marcha que han seguido los negocios de la hacienda pública, en el tiempo que tuvo a su cargo la secretaría de este ramo.* Mexico, 1857.

¹³Manuel Payno y Flores, *Cuentas, gastos, acreedores y otros asuntos del tiempo de la Intervención Francesca y el Imperio. De 1861 a 1867*, p. 3. Mexico, 1868.

¹⁴There were fewer than 9,000 adjudicataires, as many persons acquired several pieces of property each.

¹⁵*Memoria* of Lerdo de Tejada, pp. 170–532.

It is probable that the result of its operation was to leave a few rich men richer and to enable a few speculators to carry on operations advantageous to themselves.¹⁶ It was soon evident that many tenants and usufructuaries had had property adjudicated to themselves merely to keep it out of the hands of the government and restore it to the clergy. Many others intimidated by fear of eternal punishment, or cajoled, induced or threatened by speculators, relinquished their rights, thus giving the latter an opportunity to denounce the lands concerned. It is probable that no poor man was relieved; for he could hardly afford to pay the *alcabala* and registry costs, in addition to continuing payments in cash at the same rate that his rental had been—the latter often in kind—and to being responsible for the upkeep of the property and supplying working capital.

Not only was the poor man not benefited by the *Ley Lerdo*, but the beginning of the extreme impoverishment of the Indian and the loss of municipal freedom is to be found in the unfortunate inclusion of civil corporations in the process of expropriation. Perhaps this was for the purpose of softening the blow that fell upon the Church, by making it appear that the law was not exclusively directed against the priesthood; more likely it exemplified the belief of the reformers that the elimination of communal ownership of property—by villages, *congregaciones*, and *rancherías*—and the substitution therefor of private ownership, would be a step forward in civilization. The *Ley Lerdo* exempted from its application lands destined for municipal support, but this exception was later wiped out by constitutional provision. Lerdo's list shows some valuable municipal lands and communal lands of Indian villages sold to individuals—which meant that one man had added to his holdings, while some hundreds had been deprived of a means of livelihood. In other cases the commons were divided proportionally among the village inhabitants, with results that will be noticed on a larger

¹⁶Melchor Ocampo, *Exposición sobre las circulares de Don Melchor Ocampo. Obras completas*, Vol. II, pp. 158-173. Mexico, 1900.

scale later.¹⁷ There were many uprisings of Indians in consequence of this unfortunate blunder.¹⁸

The Constitution of 1857 substantially incorporated the *Ley Juárez*, the *Ley Lerdo*, and some of the other reforms of Comonfort. It was probably too liberal for its period,¹⁹ even if two far more radical measures suggested for inclusion in it at the constitutional convention, were defeated, namely, one providing for religious liberty²⁰ and another for agrarian reform.

The latter, proposed and rather loosely formulated by Ponciano Arriaga, included the following ten provisions:²¹ (1) as concentration of large expanses of land in the hands of a few was prejudicial to the public good, property rights were to be perfected only "by means of work" (*por medio del trabajo*); (2) no individual was to own more than fifteen square leagues (75,850 acres) of land, unless all of it were fenced and cultivated; (3) if at the end of a year, any *haciendas* exceeding 75,850 acres remained unfenced or uncultivated, the owners must pay a special tax of twenty-five per mille on the total valuation fixed by experts; (4) at the end of the second year, if such *haciendas* still remained unfenced or uncultivated, they would be declared the property of the nation; (5) sales of tracts smaller than 75,850 acres were free of tax; (6) any additional land beyond the maximum established must pay a tax of twenty-five per cent on the valuation of the excess; (7) entailment and mortmain were to be abolished; (8) all villages, *congregaciones*, and *rancherías* must be supplied with land, proprietors whose land it was found necessary to expropriate for the purpose, being indemnified; (9) any source of wealth not exploited by the owner of the land on which

¹⁷*Infra*, pp. 112-115.

¹⁸Anselmo de la Portilla, p. 122.

¹⁹*Ibid.*, *México en 1856 y 1857. Gobierno del General Comonfort*, pp. 186-187. New York, 1858.

²⁰Complete religious liberty was provided for by a decree of Juárez, December 4, 1860, and incorporated into the constitution by amendment December 14, 1874.

²¹González Roa, p. 73.

it was situated would be adjudicated to any one who should denounce it; (10) rural properties, the fiscal valuation of which did not exceed fifty *pesos*, were not to be subject to taxation.²²

Despite the ardor of Arriaga and other advocates of these measures, the convention took no action upon them. The cry of heresy on the one hand and of socialism on the other was sufficient to overpower the advocates of such radical changes.²³

The two articles of the Constitution most opposed by the clergy were number twenty-seven, which forbade civil and ecclesiastical corporations to own or administer real property, except that which was destined immediately and directly for worship or for the object of the institution; and number twenty-five, which declared that the state could not permit any contract, compact, or agreement to be entered into, by which an individual lost or irrevocably sacrificed his liberty, whether by reason of work, of education or of religious vows.²⁴ The latter article was in part directed against peonage; but while it did not expressly

²²It is interesting to observe that practically all of Arriaga's provisions reappear, in principle, in Article 27 of the Constitution of 1917.

²³In 1861 the legislature of the state of Aguascalientes passed an agrarian law which required those who owned more than 17,356 acres of land to sell the excess, and provided for a steeply graduated scale of taxation which, if put into effect, would have forced the subdivision of large estates. The proceeds of the taxation were to be devoted to educational and beneficent purposes and to the establishment of "banks for the aid of artisans." It was impossible, however, to enforce the law. The landed proprietors, in their protest to the national government, represented the great hardship which the law would entail upon those who owned 1,500,000 or 2,000,000 acres of land, adding that the subdivision of large estates was an "obsession of long standing among Mexicans." *Exposición que elevan al soberano congreso de la unión varios propietarios pidiendo la insubsistencia de la llamada ley agraria*, pp. 14-55. Mexico, 1861.

²⁴Other reforms of the period were: the requirement of civil registry of vital statistics, the secularization of cemeteries, and the limiting of parochial fees for baptism, banns, marriage, and burial, and requiring those rites to be performed for the poor free of charge. Parra, p. 49: Riva Palacio, Vol. V, p. 133.

abolish monastic orders, it contained the germ of their suppression and deprivation of their property, and it certainly would imply the corollary that the government would not help to enforce the fulfilment of monastic vows, as it had hitherto obligated itself to do.²⁵

There were some in the convention who saw the danger of including civil corporations in the expropriation process. Castillo Velasco, for example, pointed out that the granting of municipal liberty would be a cruel jest, if the towns were deprived of their *propios* for municipal support, as would also the declaration of personal liberty if the *ejidos* were taken away; for without the latter the Indians would inevitably fall into peonage.²⁶

The Constitution was promulgated February 12, 1857, and all government officials were required to take the oath of allegiance as a condition of retaining their respective offices. On the other hand they were forbidden to do so by the clergy on pain of excommunication and deprivation of the holy sacraments.²⁷ Confronted by this dilemma, some officials took the oath, retracted it before a priest, and then took it again. Priests who absolved persons that had taken the oath and had not subsequently retracted it were suspended by their prelates.²⁸ There was a perfect deluge of pastoral letters and of tracts, pamphlets, and newspaper articles on both sides. Rebellions and crimes were perpetrated in the name of religion on the one hand, of liberty on the other.²⁹ President Comonfort himself lost faith in the Constitution and supported the *pronunciamiento de Tacubaya* (December 19, 1857) which declared the Constitution

²⁵Civil coercion in enforcing the fulfilment of monastic vows had been abolished in 1833, and restored in 1834 by Santa Ana. (Riva Palacio, Vol. V, p. 133; Mora, *Revista política, Introducción*, p. 125.)

²⁶González Roa, p. 71.

²⁷Anselmo de la Portilla, *México en 1856 y 1857*, pp. 186-187.

²⁸Some of the clergy accepted the constitution; the Bishop of Oaxaca ordered a *Te Deum* in its honor. The greatest disorders were in small towns entirely dominated by clerical influence. (Riva Palacio, Vol. V, p. 228 *et seq.*)

²⁹*Ibid.*

abolished and made Comonfort head of a provisional government until a constituent congress should have been called and a new Constitution drafted. The archbishops issued a circular and had it sent to all the dioceses, declaring that all who subscribed to the *Plan de Tacubaya* would be released from any penalties they might have incurred by swearing allegiance to the Constitution.

Benito Juárez, who was Chief Justice under Comonfort, succeeded constitutionally to the presidency, fled from the capital and set up his government successively in Guanajuato, Guadalajara, and Vera Cruz. For the three years following two governments functioned in Mexico: the reactionary one, with its seat in the capital, declaring the annulment of the *Ley Lerdo*, trying to restore the clergy's property, and reviving the ecclesiastical tribunals; the liberal one, with its seat at Vera Cruz, promulgating still more drastic laws against the clerical privileges.

On July 12, 1859, Juárez issued an executive decree nationalizing ecclesiastical property. In the preamble he gives as his reasons, that the clergy were in open rebellion against constitutional government; that they had diverted to war purposes the funds of the faithful; that they had resisted the government's efforts to remove the odium attached to the collection of parochial fees by civil authority; that they had maintained a constant attitude of hostility toward government measures, even those that conduced to the good of the Church. The decree proclaimed the absolute separation of church and state, the suppression of monastic orders, confraternities, archconfraternities, brotherhoods, and congregations, the partial suppression of orders of nuns,³⁰ the nationalization of all property of the regular and secular clergy, whether rural or urban, real

³⁰Nuns were encouraged, but not required, to leave their cloisters and the novitiates were closed. Sisters of Charity were excepted because of their humane work and because of not living in communities. Both monks and nuns were provided for financially, though rather scantily. Nuns were allowed to retain their dowries, in any case.

estate, stocks or rights to receive money. Churches were excepted—at least as many as should be designated by state governors as adequate to provide for public worship. Residences of the secular clergy were also excepted by inference.³¹

On the following day Juárez promulgated the “Law of occupation of ecclesiastical property,”³² providing the manner in which the nationalization should take place. Special offices, subordinate to the treasury department were to be established in state capitals and other centers. The officials in charge of them, accompanied by notaries and witnesses, were required to demand of stewards and managers all papers and documents relating to interests in their charge, and to make inventories and present them to the treasury department. They were to be given police and military protection if necessary. When the inventories had been completed, the properties were to be sold at public auction under the supervision of the officials in question.

The terms were made easy for purchasers; no *alcabala* was levied; only one-third of the price was required to be paid in money, and that in easy installments of five to nine years; at least one-third was to be in securities of the national debt, and the bid of the person offering the largest proportion of such securities was to be accepted. Mortgage loans, whether they antedated the law of June 25, 1856, or were a result of it, could be redeemed by the debtors on liberal terms—three-fifths in securities of the public debt and the remainder in money payable in forty successive monthly installments, for which they were to give promissory notes, payable “to bearer.” It was provided that, if mortgagors did not redeem their loans within three months, the claims of mortgagees would be sold at public auction. In order to circumvent the efforts of the clergy to conceal their holdings, specially liberal terms were offered to those who should denounce properties or capital of which the offices had no knowledge.

³¹*Código de la reforma*, pp. 364–366.

³²*Ibid.*, pp. 169–202.

It is not likely that Juárez had any hope of putting these laws adequately into effect at the time of their promulgation. They were a declaration of principles, a desperate war-cry, a flaming challenge rather than a definite piece of legislation. Probably he had the further object of attracting new adherents to the Liberal cause through the prospect of gain, creating a new proprietor class bound to the Liberal party by ties of material interest; and doubtless he hoped also to improve the condition of his exchequer. Since he controlled only part of the country and since the other government was actively undoing the effects of the law of June 25, 1856, it was manifestly chimerical to expect any adequate financial results.

There are no published records of these years 1858-1861, though it is likely that many transfers under the law took place.³³ It has been charged that the great majority of them were used as political spoils for Liberals.³⁴ Speculators were not attracted by the opportunities offered by the Vera Cruz government, and investors would not think of putting their money into real estate, even at a bargain, which might be snatched from them any day by a change in administration. State governors and military commanders nevertheless disposed of the ecclesiastical property with a free hand, allowing mortgage loans to be redeemed at five per cent of their face value without accrued interest, selling an *hacienda* for a horse, or even gratuitously presenting real estate and money claims to their partisans.³⁵ Nevertheless nationalization operations are said to have produced for the treasury six million dollars in this period.³⁶

With the end of the Three Years' War, December, 1860, the triumph of the Liberals, the return of the Juárez gov-

³³*Memoria de hacienda y crédito público, 1869-1870*, p. 533.

³⁴Regis Planchet, *La cuestión religiosa en México, o sea, Vida de Benito Juárez*, pp. 146-147. Rome, 1906.

³⁵Planchet, pp. 146-147; Ricardo García Granados: *La constitución de 1857 y las leyes de reforma en México; estudio histórico-sociológico*, pp. 101-102. Mexico, 1906.

³⁶Justo Sierra, *México, su evolución social*, Vol. I, p. 274. Mexico, 1900-1904.

ernment to the capital, and the short lull of about a year before the French intervention, begins the period when the reform laws were really somewhat effective and when some data are available as to their proceeds. Juárez issued a manifesto defining anew the scope and purposes of the movement, and promulgated further laws and provisions for enforcement.³⁷ His objects seem to have been to legalize transactions already made, to detect and undo frauds, to stimulate denunciation of property hitherto untransferred, improving thereby the condition of the treasury, and to reduce the public debt. With this last-named object in view, the proportion of securities to cash was increased to sixty per cent; and an effort was made to diminish the enormously long list of pensioners and employees of the government by allowing them to exchange for real property or claims on mortgage loans of the clergy their accrued claims against the government and the capitalization of their future claims.³⁸

Convents of nuns and their invested funds were included this time in the nationalization, the orders exclusive of Sisters of Charity, being definitely suppressed. The administration of educational and eleemosynary institutions was transferred to the government and their funds—so far as they could be discovered—retained as a source of income for the institutions. Churches and parochial and episcopal residences were still exempted from nationalization. *Cape-llanías de sangre*, which were properly regarded as secular funds held in trust by the clergy, could be redeemed by the beneficiaries at ten per cent of the principal.

The return from these operations was, as in the case of the law of 1856, rather disappointing to the Liberals. Data are very fragmentary and incomplete. The only detailed report available is that of the special office established in the Federal District, which was to be the center of the system and to which the various branch offices over the

³⁷*Código de la Reforma*, p. 291 to end.

³⁸*El gobierno constitucional a la Nación*, in Ocampo, *Obras completas*, Vol. II, p. 129. Mexico, 1900-(1901?).

republic were to be subordinate. This report, covering the period January 7 to December 5, 1861, shows the total valuation³⁹ of property sold by the government within those eleven months to have been \$16,584,447.03. More than \$14,000,000 of that amount is attributed to the capital and the Federal District, which shows that the returns were very incomplete when the report was made. The list⁴⁰ of properties and adjudicataries shows 2,007 adjudications at prices ranging from \$150 to \$505,477.25. Some of the same properties occur as on the 1856 list, but this one contains no reference to municipal lands or to Indian communal lands.

A very good beginning was made toward amortizing the public debt, since in 1861 alone the recorded operations in bonds amounted to \$9,712,389.55⁴¹ and it was estimated by the treasury department⁴² that up to that date \$24,000,000 of the debt, all told, had been extinguished by operations of expropriation and nationalization.

But there comes another period in which one can only guess at what happened.⁴³ Juárez was again forced from the capital (May 31, 1863) and a Regency installed there, then the Empire, under Maximilian. Again there were two governments in Mexico, both issuing dicta on the subject of nationalization of ecclesiastical property; but this time both were working in harmony, though with no intention of doing so. It soon became apparent that the principles of the Reform had nothing to fear from the Empire

³⁹*Memoria de las operaciones que han tenido lugar en la oficina especial de desamortización del distrito desde el 7 de enero, en que se abrió, hasta el 5 de diciembre de 1861, en que cesaron sus labores para continuarlas la Junta Superior de Hacienda creada en virtud de ley de 17 de julio del mismo año.* Parte 1a. Mexico, 1862.

⁴⁰*Ibid.*, Parte 2a.

⁴¹*Ibid.*, Parte 3a.

⁴²*Memoria de hacienda y crédito público, 1869-1870*, p. 561.

⁴³Juárez is supposed to have carried away the promissory notes, bonds, etc., that were on hand, to prevent their falling into the hands of the enemy; and the theory is that they were either lost or destroyed after the disastrous battles of Chihuahua and San Luis. (García Granados, pp. 101-102.)

and that the clergy were in a worse situation, as regarded their property, than under the Liberals. When the victorious army of intervention entered the capital, General Forey issued a manifesto declaring that proprietors of nationalized property that had been regularly and legally adjudicated to them need not be disquieted, as they would be left in peaceful possession. This was, in short, the policy of the Empire. Maximilian made futile attempts to arrive at a *modus vivendi* with the Vatican, but the Pope refused even to treat with his envoy until the ecclesiastical property should be restored and the hostile laws abrogated. The emperor then called upon his Minister of Justice, Escudero, to formulate a plan⁴⁴ for revising the operations of nationalization in such a way that legitimate interests should be protected, fraudulent ones destroyed, and the whole matter finally settled so that property owners would be secure in their possessions. Laws were enacted substantially reaffirming the principles of the Reform and subjecting to revision all operations of nationalization and adjudication. A special office was established and a Liberal, Juan Suárez Navarro, placed at the head of it. This office revised titles of property previously expropriated, and nationalized additional real estate until in 1866 the total valuation of such property there recorded was \$62,365,516.41.⁴⁵ Given the fact that, at the same time, Juárez was conducting operations of nationalization, in parts of the country that did not respond to Maximilian's offer,⁴⁶ it is

⁴⁴Payno y Flores, *Introducción*.

⁴⁵*Ibid.*, núm. 2.

⁴⁶Several states do not appear at all on Payno's list and several others with very insignificant amounts. His report was published after the end of the Empire, but he gives no figures for Juárez during that period. On May 11, 1865, Juárez with the purpose of counteracting Maximilian's activities, decreed that all transfers of ecclesiastical property that had been approved by the Federal Government were valid even if there had been some irregularity about them. It seems likely, therefore, that the sections adhering to Juárez trusted his authority and did not present their claims for revision by Maximilian.

evident that quite a large amount of ecclesiastical property must have passed to private ownership during the period of the Empire. An anonymous author writing in 1865 estimates on the basis of considerable data, that property to the amount of \$112,000,000 had changed hands.⁴⁷ The Abbé Testory, chaplain of the French army of intervention, thought that in 1865 the clergy still owned \$100,000,000 worth of property, and urged them to give it up voluntarily.⁴⁸

When the sad drama of the Empire had been played out to its tragic conclusion and President Juárez had re-entered the capital in triumph (July 15, 1867), among his first measures were the establishment (August 12, 1867) of an "Administration of Nationalized Property" and the offer of new and more liberal terms to those who would denounce "concealed property" and to those who had allowed their payments on ecclesiastical property that they had acquired, to lapse.⁴⁹

There was considerable liquidation in the next ten years (1869-1879), of which the actual proceeds in cash and securities reached \$2,484,029.20.⁵⁰ From that point on, the amounts become quite insignificant until on November 8, 1892, the "Law of Liberation"⁵¹ declared nationalized ecclesiastical property free from any further claims by the treasury.

The net financial result from the whole process of expropriation was, that about a hundred million dollars' worth of ecclesiastical property was reduced to private ownership and that the government realized a few millions of revenue, applied principally to the public debt. The actual value of the property transferred was much greater than the records show. It could not be disposed of on the same basis as

⁴⁷*Observaciones sobre la ley de 26 de febrero y sobre su reglamento*, pp. 7-10. Mexico, 1865.

⁴⁸L'Abbé Testory: *El imperio y el clero mexicano*. Mexico, 1865.

⁴⁹*Memoria de hacienda y crédito público, 1869-1870*, p. 754.

⁵⁰*El erario federal en el último decenio 1869-1879*, pp. 3, 15, 27, 39, 52, 63, 74, 86, 99, 112. Mexico, 1879.

⁵¹Villamar, p. 56.

private property because of religious scruples which would yield only to powerful inducement, and because the legality of titles rested merely upon the decree of a leader of a faction and might be annulled at any turn of the wheel of military fortune—as happened more than once. Furthermore, in the many changes of the seat of government, it is likely that records, promissory notes, and obligations were lost, so that many purchasers did not pay even the small price for which the property was adjudicated to them; and besides, much of it went as political spoils, yielding no return to the government. Unfortunately the ecclesiastical real estate passed, for the most part in large tracts, only increasing the concentration of property in the hands of the few. Juárez succeeded far too well in creating a new landed aristocracy. Those enriched by the Reform, though calling themselves Liberals, became less and less liberal in sentiment until in the course of a few years the line between Liberals and Conservatives was obliterated and the old alignment was restored—on one side the clergy and landholders, on the other the masses.

The great defect of the Reform Laws was their inclusion of the property of civil communities in the process of expropriation thus taking from towns and villages their lands for municipal support and—worse still, perhaps—depriving Indian villages and others of communal lands.⁵² If the villages had to fight to retain their lands when they were protected, at least technically and in some measure practically, by the beneficent Laws of the Indies, evidently their condition was much worse when the Reform Laws not only failed to protect them in their immemorial method of land tenure, but actually forbade it. The “lands for allotment” (*terrenos de común repartimiento*) and the *ejidos*, or commons, were now to be apportioned in severalty to the communal owners. Some of the villages that were so fortunate as to possess clear-sighted leaders, saved themselves from ruin by depositing their individual titles in the care

⁵²Cf. *supra*, p. 80.

of a trusted *cacique* and resuming communal life.⁵³ But by far the greater number, when presented with titles which meant nothing to them, bartered them for a dollar or two, a sack of corn, or a quantity of liquor. So the large landholders and the speculators, both native and foreign, waxed rich while the class of landless and disinherited grew.

The Reform had one result that was an unquestionable advantage to the country, namely, that something resembling a middle class began to appear; many *mestizos* became landowners; race lines and property lines ceased, in a measure, to coincide. The Reform also emancipated landed proprietors from economic subjection to the clergy, for it allowed them to pay off their mortgages and debts on easy terms; and doubtless many profited by the chaotic conditions to slip out of their obligations altogether.⁵⁴ In a word, it consolidated the position of the landholders, weakened that of the clergy, and dealt a mortal blow to the villages.

Considered from the standpoint of its central purpose—namely, depriving the clergy of their economic power—the practical operation of the Reform was far from thorough. It is fairly certain that a great deal of the Church property did not change hands at all, and that many of the purchasers merely went through the form of acquisition, acting as intermediaries by agreement with the clergy.⁵⁵ Large sums are said to have returned to the ecclesiastics through the *contenta*, or indemnity paid to the expropriated owner.⁵⁶ In return for it the new proprietors received from the clergy a declaration that the Church renounced all right of ownership of the property in question. All those who bought ecclesiastical holdings paid the *contenta*, some be-

⁵³Manero, p. 25.

⁵⁴Payno y Flores (*op. cit.*, p. 412) hints darkly at "violent operations" that took place in the latter part of the year 1867, as a result of which the government realized only 30 per cent to 50 per cent on the promissory notes and obligations of purchasers of nationalized property.

⁵⁵Y. Guerrero, *Bienes eclesiásticos*, pp. 8, 21–22. Mexico, 1865.

⁵⁶R. B. Brinsmade and M. C. Rolland, *Mexican Problems*, p. 24. (n. p. 1916).

cause of scruples of conscience, others because it made them feel more secure in the possession of the property acquired.⁵⁷ Doubtless, too, a part of the capital placed at interest and of the securities failed to pass to the control of the nation, since it could more easily be concealed than could ownership of real estate.⁵⁸

As time went on, observance of the Reform Laws became more and more lax. Díaz, soon after the beginning of his long administration, inaugurated his so-called "policy of conciliation,"⁵⁹ or ignoring the Reform. The clergy had found that their earlier practice of excommunicating those who took the oath to observe the Constitution of 1857, made punishment so common that it lacked force. Consequently, they hit upon the plan of requiring for entrance into the Church, a counter oath that the applicant would not keep, or cause to be kept, the Reform Laws.⁶⁰ Díaz, in order to conciliate the powerful influence of the Church, skilfully encouraged the designs of the clergy in that regard. Restrictions were relaxed, first those against charitable institutions, then educational,⁶¹ finally the "contemplative orders."⁶²

⁵⁷Émile Velasco, "Étude sur les relations entre l'état et l'église dans la République du Mexique." *Société de législation comparée, Bulletin*. Année 27, pp. 613-632. Paris, 1906.

⁵⁸It is related that in a certain *juzgado de capellanías* the inventory exhibited to the agents of the government showed only \$10,535.69 in cash and bonds; but a thorough search by the agents brought forth \$3,886,478 in cash, securities, and promissory notes. A roll of government bonds worth, with the coupons, \$1,750,558 was found hidden in the ceiling. *Memoria de hacienda y crédito público, 1869-1870*, pp. 563-564.

⁵⁹Díaz covertly and cautiously acted upon this principle from the beginning of his presidency, but his policy was not sufficiently noticeable to be discussed in the press until toward the end of the year 1890. *Código de la reforma*, Apéndice núm. 1.

⁶⁰Luis Lara y Pardo, *De Porfirio Díaz a Francisco Madero; la sucesión dictatorial de 1911*, pp. 68-77. New York, 1912.

⁶¹In 1905 the clergy had 593 schools in Mexico. Antonio Peñafiel, *Cuadro sinóptico informativo de la administración del Señor General Don Porfirio Díaz*, p. 29. Mexico, 1910.

⁶²Luis Cabrera, *The Religious Question in Mexico*, p. 15. New York,

Under the aegis of presidential favor and with the connivance of the authorities, the clergy were rapidly regaining the economic power which they had largely lost in the fifties. In addition to the sums which they had saved from the ruin of the Reform they now received gifts, bequests, and dowries of nuns as they had before the days of Juárez. The tithe was restored in fact, though not in name; almoners went from house to house soliciting funds; brotherhoods, confraternities, congregations, and societies for "pious works" were organized; new churches were built and new dioceses formed.⁶³ Both regular and secular clergy were permitted to hold real estate and to lend money on real estate security as before the Reform, but in general they did not do so openly. Much property continued to be held through intermediaries, but this method was not quite safe, since the heirs of the intermediary sometimes did not scruple to claim the inheritance. A large amount was also held by the secular clergy as private property, and willed by them either to their successors in office or some layman designated by higher ecclesiastical authority. The safest method, however, and the one most used was the formation of stock companies, ostensibly commercial, in which the clergy owned the controlling interest and retained the management.⁶⁴ The sole purpose of these companies, however, was the handling of ecclesiastical estates and funds.⁶⁵ The economic recovery of the Church progressed

1915; Hélié Robert Savary, "L'église et l'état au Mexique," *Le Correspondant*, Vol. CCXXV (n. s. v., 189), pp. 476-492. Paris, 1906; Rafael de Zayas Enríquez, *Los Estados Unidos Mexicanos; sus progresos en veinte años de paz, 1877-1897. Estudio histórico y estadístico, fundado en los datos oficiales más recientes y completos*, p. 91. New York (1900).

⁶³Rodolfo Menéndez Mena, *The Work of the Clergy and the Religious Persecution in Mexico*, pp. 19-21. Mérida, (n. d.).

⁶⁴Hence the Constitution of 1917 forbids commercial stock companies to "acquire, hold or administer rural properties." (Sec. 4. of art. 27.)

⁶⁵Savary, p. 489; Cabrera, p. 11; Julio Guerrero, *La génesis del crimen en México*, p. 98. Paris, 1901; Cándido Aguilar, *Le Problème Mexicain*, p. 39. Paris, 1919.

so far under Díaz that it was charged as late as 1916 that ten per cent of the capital of the country belonged to the clergy, who loaned money in the name of European bankers.⁶⁶

Thus the long and difficult Reform was only partially successful as to its main object. Furthermore, because of the unfortunate circumstances of its inception and execution, while it lessened some great evils, it allowed others—perhaps greater—to develop; and the people, in the words of Justo Sierra, still “hungered and thirsted for justice.”

⁶⁶Robert Bruce Brinsmade, *El latifundismo mexicano, su origen y su remedio*, p. 24. Mexico, 1916; Modesto C. Rolland, *The Religious Question in Mexico; open letter to Monseigneur Kelly*, p. 16. New York, 1916.

CHAPTER VI

PUBLIC LANDS AND COLONIZATION

The early leaders and statesmen of independent Mexico felt that the hope of future greatness for their country lay in attracting immigration from Europe; and the example in this respect of the rapidly expanding republic to the northward inspired them to emulation. They also desired to increase the proportion of the white race to the Indian and thus raise the general level of culture which was kept low by preponderance of the native population.

Enormous difficulties, however, stood in the way of colonization—the lack of transportation facilities, the constant turmoil and struggle among political factions and social classes, the absence of religious liberty, and—perhaps the greatest practical difficulty of all—the absolute ignorance of both the central government and the state governments as to what public lands were at their disposal, what their extent was, or where they were situated. It was even said by some that public lands did not exist, except in the records of the Department of *Fomento* (Promotion).¹

This situation arose partly from the fact that boundaries had been ill-defined in the Spanish land grants, which usually indicated limits by natural landmarks only, without previous survey. Proprietors of land had taken advantage of that situation. They availed themselves also of the opportunity offered by the ignorance of the Indians to extend their boundaries and increase their acreage. Efforts had been made during the colonial period, by means of *composiciones*,² or adjustments, to locate and delimit the royal lands that were interspersed among private and communal properties; but landowners only made these activities the pretext for greater usurpation and for confirming or obtaining titles to property acquired by questionable means.

¹Pimentel, *Memoria sobre las causas*, p. 224.

²*Supra*, p. 32.

During and for many years after the struggle of 1810 to 1821, landed proprietors had more reason than during the colonial era for concealing the amount of their holdings and resisting any attempt at accurate appraisement, since the almost constant wars were sustained principally by forced loans and extraordinary taxes on real estate, graduated as far as possible according to the capital and property of the individual or corporation. In 1835, for instance, in order to sustain the war with Texas, a tax of two per mille was levied on all urban real estate.³ In 1836 the same tax was continued and one of three per mille was imposed on rural real estate.⁴ Also numerous extraordinary taxes were levied on income from real property.⁵ These various measures met with such bitter resistance that the return from them was relatively slight.⁶

It was also to the interest of landholders to conceal the amount of their property because of the unsettled policy of the government regarding regular taxation of real estate. During the short period of the First Empire Iturbide made an effort to establish a direct tax on rural real property,⁷ based on the clergy's receipts from tithes; but the attempt seems to have had little success. During the first period in which federalism prevailed in the Mexican republic (1824-1836), a few of the states established direct taxes on real property, but most of them did not. In any case such taxes were not an important and essential part of state revenue.⁸

With the advent of centralism (1836) a regular annual

³Dublán y Lozano, Vol III, pp. 102-105.

⁴*Ibid.*, pp. 169-173; 176-178.

⁵*Ibid.*, Vol. I, pp. 657-659; Vol. II, p. 644, etc. From all these burdens ecclesiastical property was exempt, that is, convents, churches, ecclesiastical residences and eleemosynary institutions.

⁶The tax of 1835 on urban property yielded only \$147,174 and that on rural property \$159,203. *Memoria de hacienda y crédito público, 1838*, segunda parte, documento número 17. Mexico, 1839.

⁷*Dictamen de la comisión de hacienda sobre una contribución predial*. Mexico, 1822.

⁸Dublán y Lozano, Vol. V, pp. 269-270.

tax of two per mille was imposed by the national government on urban real estate and of three per mille on rural property.⁹ In 1838 the tax was removed¹⁰ and in 1841 it was again imposed as a temporary measure to defray war expenses,¹¹ and in 1842 was declared permanent.¹² Five years later—federalism having been restored August 22, 1846—these taxes were declared to be “revenues of the federal government” (*rentas de la federación*).¹³ On May 30, 1853—the republic having returned to centralism—Santa Ana decreed that the tax on urban real estate was “reestablished in all parts of the republic.”¹⁴

The measures that have been mentioned are given merely as examples. Extraordinary confusion reigned in the matter of taxation of real estate by the national and state governments. The question did not assume any semblance of order until after the adoption of the federal constitution in 1857, or—perhaps more accurately—until after the end of the French Intervention (1867). From that time on, the national government taxed real estate in the Federal District only, leaving to the states and territories the power of direct taxation of real property within their respective boundaries.

Enough has been said to explain the opposition of landholders and ecclesiastical corporations to accurate survey and appraisement of land. Even state governments tried to conceal the value of their property and the sum total of their wealth, in order to escape lightly from contributions to sustain wars and to support the federal government.¹⁵

⁹*Ibid.*, Vol. V, pp. 169–173, 176–178.

¹⁰*Ibid.*, Vol. III, p. 444.

¹¹*Ibid.*, Vol. IV, p. 94.

¹²*Colección de los últimos decretos sobre contribuciones directas, potestad coactiva y papel sellado*, p. 95. Mexico, 1842.

¹³Dublán y Lozano, Vol. V, pp. 269–270.

¹⁴*Ibid.*, Vol. VI, p. 220.

¹⁵In 1824, for instance, the sum of \$3,136,875 was apportioned among the states as their contribution to the expenses of the federal government. Dublán y Lozano, Vol. I, pp. 710–712. *Memoria de la secretaría de fomento*, 1865, pp. 119–120.

The national leaders, in the early years of Mexico's independent existence, realized that colonization could not be undertaken to the best advantage until a thorough and general survey had been made, which would extricate public lands from among private properties and accurately delimit both. But the condition of the treasury absolutely forbade the performance of so huge a task, even if no opposition had been faced from the landholders,¹⁶ and if the government had not been confronted from the outset with the more pressing question of ecclesiastical reform.

Other serious difficulties hindering a proper utilization of the public domain, during the early and formative years of the republic rose out of uncertainty and difference of opinion prevailing about a number of questions almost, if not quite, as fundamental: as to whether all private and communal property must be protected by original grants from the Spanish crown in order to exempt it from claim by the government;¹⁷ as to whether public lands formerly the domain of the Spanish crown (*tierras realengas*) had been transferred to the states or to the federal government; as to whether or not they were prescriptible. The result of all these practical difficulties and theoretical differences was extreme vacillation of policy regarding public lands and colonization, and frequency of illegal transactions. Hence it was decided not to make the matter of colonization wait upon the survey of public lands and the settling of all points regarding them.

The first colonization law, August 18, 1824,¹⁸ declared states to have control over public lands situated within their respective limits, and the federal government, of those in territories; but such lands are referred to as "lands

¹⁶The typical *hacendado's* attitude was that of Pimentel, who, although a very intelligent man, opposed the survey because "the result would be the same as that of all agrarian laws—discontent, disturbances, hatred toward the government." *Memoria sobre las causas*, p. 224.

¹⁷Wistano L. Orozco, *Legislación y jurisprudencia sobre terrenos baldíos*, pp. 188–191. Mexico, 1895; Villamar, p. 142, *et seq.*

¹⁸Maza, pp. 191–193.

of the Nation" (*terrenos de la Nación*).¹⁹ From this time until the adoption of the Constitution of 1857, policy varied according to the vicissitudes of the struggle between federalism and centralism, interspersed with the personal ambitions of contestants for the office of president. The states managed public lands very imprudently, selling large tracts for almost nothing, giving away others as political spoils, or entering into ruinous colonization contracts in order to raise a little revenue to meet war expenses. They sold public land to colonization companies for fifteen dollars per square league, or about three-tenths of a cent per acre.²⁰ Yet population was not augmented thereby, and the only effect was that the *haciendas* grew in size and increased in number.²¹

Nor were state governments the only offenders in the matter of squandering the public domain. Revolutionary leaders and *jefes políticos*,²² or local authorities, gave away public lands with a free hand, and the federal government used them to reward successful leaders.²³ The national government sold a mission in Lower California with its furniture, chapel, garden, orchard and six or eight square leagues (26,340 to 35,120 acres) of irrigated agricultural land to an American for thirty dollars. About four hundred square leagues (1,756,000 acres), also in Lower California, were sold to a Mexican for two hundred dollars.²⁴

¹⁹Art. 2.

²⁰*Memoria de fomento*, 1867-1868, pp. 60-76.

²¹The colony of Progreso in Yucatán failed because the state government sold its land to obtain revenue for war expenses. One in Nuevo León, to which 127,300 acres had been given, failed for the same reason. (*Memoria de fomento*, 1865, p. 103.)

²²Maza, pp. 591, 636.

²³One of the first acts of the provisional government (1821) was to vote to the liberator Iturbide \$1,000,000 and twenty square leagues of land. Later \$200,000 of the \$1,000,000 was paid to his heirs in land—3,051,000 acres. (José Diego Fernández, *México, política experimental*, p. 59. Mexico, 1919; Maza, pp. 279, 525-526.)

²⁴Vicente Manero, *Documentos interesantes sobre colonización: los ha reunido, puesto en orden cronológico y los publica Vicente E. Manero*, p. 51. Mexico, 1878.

In 1837 an attempt was made to convert the foreign debt by means of the public domain. The outstanding bonds were secured by a special mortgage on 100,000,000 acres of public land situated in the Californias, Chihuahua, New Mexico, Sonora and Texas. Holders of bonds could convert them into land scrip exchangeable for public lands in the above states at \$1.25 per acre.²⁵ It was hoped that this measure would confer the double benefit of reducing the national debt and leading to colonization; but in 1857 the Minister of *Fomento* stated that he did not know of a single bondholder who had taken advantage of it.²⁶

Other attempts at colonization in the earlier years were hardly more successful, partly because of the vagueness of the offers made by the government, but principally because the greater security and prosperity of the republic to the northward attracted all potential colonists. It is hardly necessary to rehearse the various fiascos of state governments and central government, some of them genuine efforts to colonize, others merely schemes by which to obtain revenue.

The only really successful colony, Texas, turned out to be the greatest failure of all, for it cost Mexico nearly half of her territory. The leaders of the government did not stop to consider that Texas was remote from the central authority, that the language and traditions of the colony were largely Anglo-Saxon, and that the United States had only to stretch forth a hand in order to seize it. The Mexicans learned wisdom from that bitter experience, however, and after the war with the United States, colonization contracts always provided that a certain proportion of the colonists in any given unit should be Mexican, and they always eliminated United States citizens as colonists by specifying what nationalities would be acceptable.²⁷

²⁵*Laws and Decrees of the Republic of Mexico in Relation to Colonization and Grants of Land, More Particularly in New Mexico and California from 1823 to 1846*, pp. 20-24. New York, 1871; Manero, p. 44; Maza, p. 284.

²⁶Manero, *op. cit.*, p. 44.

²⁷*Memoria de fomento*, 1897, pp. 191-194.

In 1854 Santa Ana issued a decree inviting foreigners to Mexico, offering free land and transportation. He appointed Rafael Rafael director of colonization, furnishing him a capital of \$50,000, with which he absconded. In order to provide for the flood of colonists whom Rafael was to bring, the government had entered into a contract with Jecker, Torre & Co. to survey and delimit the public lands in Tehuantepec, Sonora, Lower California, Sinaloa, Durango, Tamaulipas, Chihuahua and Isla del Carmen, and to receive in compensation one-third of the land surveyed.²⁸ Private individuals were forbidden to disturb the operations, and surveying parties were accompanied by judges who were to prevent the spoliation of any who were in possession of land without titles,²⁹ provided they obtained titles at once.

Jecker did not fulfil his obligations, and a later government, convinced that the company only wanted to speculate, annulled all of the concession, except that to lands in Tamaulipas; but even this remnant was a fruitful source of trouble to subsequent governments. The company had done a good deal of surveying, but the work was found to be faulty, if not purposely fraudulent, the survey including much land that did not form part of the public domain.³⁰

The Constitution of 1857 definitely reserved to the federal government the ownership and control of public lands,³¹ though this did not mark the end of interference by the states. The period from the adoption of the constitution to the end of the Second Empire (1867) was too troubled for anything definite to be accomplished in the matter of colonization or even survey of public lands. Maximilian during his brief reign, was much interested in attracting

²⁸It is not surprising that this ruinous policy was inaugurated by Santa Ana, the demagogue who was responsible for many of Mexico's ills during the twenty years and more that he flitted in and out of the executive office.

²⁹Manero, p. 44 *et seq.*

³⁰*Memoria de fomento*, 1865, p. 115.

³¹*Ibid.*, 1867-1868, pp. 60-76.

immigrants from Europe and made brave, but futile, attempts to induce them to come. Juárez, on the other hand, limited his efforts, for some years, to trying to curb the traffic in national lands, in which the state governments were engaging for purposes of revenue.

On July 22, 1863, accordingly, being in dire need of funds, he decreed the "Law regarding the occupation and alienation of public lands."³² It declared that public lands were prescriptible in the sense that ten years' peaceful possession would give ownership by payment of one-half the official price. It allowed any inhabitant of the republic to denounce as much as 6,250 acres of national land, to survey the area and purchase it at the official price. It required the claimant to fence, cultivate and occupy his claim as a prerequisite to establishing title. It specified also that those who acquired lands adjoining their own property should pay the *alcabala* of twenty-five per cent,³³ and that any transfer of ownership within ten years would carry with it the same tax.

The financial difficulties of the Juárez government, were also responsible for some ruinous colonization contracts, notably the one with Jacob Leese, representing the Lower California Company (1864). It granted the public lands of Lower California from 31° to 24° 20' north latitude—an area of 46,800 square miles or 29,952,000 acres—for \$100,000 in gold.³⁴ This same company acquired immense areas in Sonora also. The concession in Lower California, fortunately, was later revoked (1873), because the concessionaire paid only \$30,000 and violated the contract in various other respects. Although its procedure had not been above suspicion of fraud, the company was given, by way of compromise, and in return for the sum paid, the right to exploit archil in the peninsula for six years.³⁵

³²Orozco, pp. 326-334.

³³The purpose seems to have been to discourage accretions to large estates. Those who acquired isolated tracts paid no *alcabala*.

³⁴*Lower California, Its Geography and Characteristics*, pp. 41-42. New York, 1868.

³⁵*Memoria de fomento*, 1873, p. 131.

The next action of importance in regard to public lands and colonization was taken by Porfirio Díaz. He allowed the law of 1863 to remain in force and to control the denunciation of public lands by individuals; and, by his decree of December 15, 1883,³⁶ he attacked the problems of location, survey, and colonization of national lands. This law placed the whole question of public lands in the hands of the executive, authorizing him to handle it either through salaried commissions appointed by him or through "companies for survey and colonization," which he was authorized to compensate with as much as one-third of the land delimited by them. He was also empowered to sell to the companies the other two-thirds at the official rate. All land acquired by the companies, whether as compensation or by purchase, must be sold to colonists within a specified time in tracts not larger than 6,250 acres. Special privileges and exemptions were offered to both contractors and colonists.

Díaz believed that immigration could not play the part in Mexico that it had in Argentina and the United States, because the central plateau, the only part of the country both fertile and salubrious, was already densely peopled, and because Mexico's population consisted largely of Indians and *mestizos* who, accustomed for centuries to semi-slavery, worked for wages so incredibly low that immigrant labor could not compete with them. In order to settle the vast stretches of fertile but unhealthful coast country and the arid isolated plains of the north on the other hand, capital was necessary. The government, therefore, should appeal to private initiative, granting liberal concessions to companies and individuals who would undertake to attract the small capitalist.³⁷ Such a belief, if put into practice, apparently sentenced the Indian population of Mexico to remain "hewers of wood and drawers of water" for the

³⁶Maza, pp. 936-938.

³⁷*Memoria de fomento*, 1897-1900, pp. 12-14.

more fortunate classes to whom the government vouchsafed its protection.³⁸

To demonstrate the wisdom and practicability of this plan of colonization, the Díaz government purchased 66,145 acres of improved land on the plateau at a cost of \$169,998, presented part of it gratis to some Italian immigrants, and furnished them with working capital and living expenses until the first crop should be harvested. That these colonists were soon well established and prosperous would indicate that other immigrants who owned as much capital as the government had furnished in this particular case could duplicate the success of their predecessors. However, in spite of considerable sums of money which the government continued to expend on its "official colonies" for the next fifteen years or so, in 1900 they numbered only nine, with a total population of 1,991, of whom but 196 were foreigners.³⁹

The companies that were supposed to emulate the success of the government in its model colonies, failed, for the most part, to colonize at all. In the years 1892-1896 nineteen colonies were established by private initiative, with a total population of only 4,036 of whom almost half (1,708) were Mexicans.⁴⁰

Concessions to "survey and colonize" were used by Díaz as a reward to his adherents or a bait to influential individuals whom he wished to convert into adherents by placing them irrevocably in his debt. As most of the lands available at this time were unfit for cultivation unless large amounts were expended for irrigation, sanitation, and improvement, the concessionaires either speculated with the land themselves or retained vast acres uncultivated, and

³⁸Many held and openly argued that the Indians were an inferior race, incapable of education, destined to disappear with the advance of civilization, and that hence it was utter folly to do anything to delay their exit. (Rafael de Zayas Enríquez, *La redención de una raza*, p. 14. Mexico, 1887; Castellanos, pp. 84-85.)

³⁹*Memoria de fomento*, 1877-1882, pp. 1-38; *Ibid.*, 1897-1900, p. 13; *Anuario estadístico de la república mexicana*, 1900, p. 505.

⁴⁰*Ibid.*, 1892-1896, p. 184 *et seq.*

otherwise unimproved, or else sold their concessions to companies, usually foreign, who speculated in securities. The exemption from taxation, granted to companies that had the ostensible purpose of colonizing, also favored speculation. When the time limit of any contract had expired and, as usually happened, no colonists had been brought, the concessionaire was allowed either to renew the agreement or to pay the nominal fine imposed for failure to keep the terms,⁴¹ thus remaining in possession of the property. Colonization indeed became the flimsiest of pretexts to cover a system of spoils and to veil vast speculations. Survey, also, was a bare pretext, the work being unskilled, faulty, and often fraudulent.⁴²

By 1894 Díaz seems definitely to have given up *bona fide* attempts at colonization. Concessions of public lands had proved so useful to him in fortifying his political position that he decided to legalize shady transactions of the past and to facilitate future ones. Consequently, he annulled the laws of 1863 and 1883 and issued the decree of March 26, 1894,⁴³ which had none of the troublesome restrictions of the former laws.

Regarding denunciations by individuals, it removed the limit of 6,250 acres; also the requirement that the land acquired be fenced, cultivated and occupied. Persons who had incurred penalties through failure to observe these specifications were "pardoned." The law also relieved "survey and colonization" companies of the obligation to dispose of their land in lots of not more than 6,250 acres, freed them from the payment of fines in case they had violated it, and legalized sales made by them, of more than 6,250 acres. It established a registry of property dependent upon the

⁴¹The usual form of contract, under the law of 1883, provided that one family be established for each 2,500 to 5,000 acres, and imposed a fine of \$100 for each family that the concessionaire failed to provide. In other words he paid 2 to 4 cents per acre for his land and that in depreciated bonds. (Maza, p. 1094.)

⁴²*Diario oficial*, April 28, 1917; *Boletín oficial de la secretaría de fomento*, 1918, p. 143.

⁴³Villamar, p. 142 *et seq.*

Ministry of *Fomento*, entry upon the books of which was absolutely final as far as legality of title was concerned. Land agencies were erected in the states and put in charge of persons appointed by the Minister of *Fomento*. National lands could be leased for the exploitation of wood, chicle, etc.,⁴⁴ the lessee being given an option on their purchase at any time that the government might wish to dispose of them. The law also forbade the owning of land by civil corporations, urged state governors to coöperate with the national government in the subdivision of *ejidos*, and provided that, if any town owned more than a square league of such areas, the excess should be regarded as public domain.

Under the law of 1894 the squandering of national lands went on untrammelled. A decree of November 18, 1891,⁴⁵ had facilitated the process by enacting that their acquisition by individuals or companies need not be registered in the local offices—a provision that would enable presidential favorites to escape the payment of taxes.

Many of the contracts made under the law of 1894 were not for colonization, but simply for survey and purchase, that is, the company or individual received, in return for making a survey, one-third of the land concerned without restrictions as to reselling or colonization, and was allowed to buy the other two-thirds, also without restrictions. Contracts that did require colonization were couched in terms very easy for the concessionaire to fulfil and allowed him to keep the bulk of the land. For instance, under the stipulation that he should colonize at the rate of one family to each 2,500 or 5,000 acres, since the minimum amount of land that might be sold to a colonist was twelve and a half acres, the grantee who received 500,000 acres—a moderate concession—could sell the minimum amount to each of 200 families, have 497,500 acres left, and still be within the terms of his agreement.

⁴⁴On the basis of this article, Díaz erected half the state of Yucatán into the territory of Quintana Roo and leased it to eight concessionaires, Americans and Mexicans.

⁴⁵Maza, pp. 1125–1128.

Those who availed themselves of the privileges of the law and entered into engagements of the sort were to be considered Mexicans for all legal and judicial purposes, and were, as a rule, not to transfer any grant without the previous consent of the executive, and in no case to a foreign government. All the agreements provided that property of third persons comprised within a grant should be respected (*sin perjuicio de tercero*); yet many of them carried the strangely contradictory clause that the contracting party had the right to deal directly with claimants of land surveyed, "in order to expedite the proceedings"⁴⁶—which looked like authorization for despoilment. Surveying companies, indeed, were the terror of the villages and small proprietors and, contrary to all principles of justice, the burden of proof of ownership lay upon the possessor.⁴⁷

The grants made were often of huge extent. For their justification the plea was raised that the land concerned was arid and could be rendered economically profitable only if bestowed in large amounts. Those of 13,482,473 acres⁴⁸ to Luis Hüller & Co. (1883),⁴⁹ of 6,220,788 acres⁵⁰ to Pablo Macedo (1886), and of 5,396,068 acres⁵¹ to Flores, Hale & Co. (1883), all in Lower California, consisted indeed almost entirely of arid territory. On the other hand, the justification alleged was not always in evidence. A grant of 1,250,000⁵² acres in the state of Guerrero (1908), another of 1,320,000⁵³ in Chiapas and Tabasco (1892), and a third—to an English company—of 4,250,000 acres⁵⁴ also

⁴⁶*Memoria de fomento*, 1897–1900. pp. 234–239, 998; Maza, 995.

⁴⁷Fernando González Roa y José Díaz Covarrubias, *El problema rural de México*, p. 73. Mexico, 1917.

⁴⁸*Boletín oficial de la secretaría de fomento*, julio–agosto, 1919, p. 488.

⁴⁹The original date of the concession is given in each case. All such contracts were renewed and revised again and again.

⁵⁰*Ibid.*

⁵¹*Diario oficial*, April 28, 1917.

⁵²*Memoria de fomento*, 1908–1909, p. 9.

⁵³*Diario oficial*, September 11, 1917.

⁵⁴*Boletín oficial de la secretaría de fomento*, julio–agosto, 1919, p. 488.

in Chiapas (1897), all consisted for the most part, of good land.

The total amount of land ceded to "survey and colonization companies" in reward for their services, during the Díaz administration, was 63,562,778⁵⁵ acres⁵⁶—an area larger than that of the state of Wyoming, or about thirteen per cent of the total area of Mexico. This does not include the many contracts that lapsed for failure of the concessionaire to observe the easy conditions imposed, but which constituted a golden opportunity for speculation while they lasted.

The results of all these operations, from the standpoint of colonization, were absurdly out of proportion to the magnitude of the transactions in land. By 1907-1908 colonies founded by private initiative comprised only 4,735 individuals,⁵⁷ of whom about half were Mexicans.

The use of colonization contracts was not the only method by which Díaz placed large expanses of territory in the hands of his adherents. Some huge areas passed to their ownership by denunciation, others by direct sale at ridiculously low prices, others by *composición*, or adjustment, and still others by *declaración de no haber baldíos*. The last-named process meant that agents of the government examined lands held without title, declared that they were not public, and issued titles gratis.

Denunciations of public land during the Díaz administration reached the enormous total of 30,180,770 acres, for

⁵⁵This is incomplete; it includes no data for 1877-1882 and only one contract (2,500,000 acres) for 1876, which was casually mentioned in the *Memoria de fomento* for that year.

⁵⁶The figures in this chapter were compiled from: *Memoria de fomento*, 1877-1882, p. 42; *ibid.*, 1883-1885, Anexo 1; *ibid.*, 1892-1896, p. 3; *ibid.*, 1897-1900, Anexo 3; *ibid.*, 1905-1907, p. 42; *ibid.*, 1907-1908, Anexo 1; *ibid.*, 1908-1909, Anexo 1; *ibid.*, 1909-1910, Anexo 1; *ibid.*, 1910-1911, Anexos 28, 29; *Anuario estadístico*, 1893, pp. 560-563; *ibid.*, 1900, pp. 367-369; *ibid.*, 1901, pp. 338-346; *ibid.*, 1902, pp. 283-298; *ibid.*, 1903, pp. 389-400; *ibid.*, 1904, pp. 263-276; *ibid.*, 1907, pp. 301-316.

⁵⁷*Memoria de fomento*, 1907-1908, pp. 14-24. The report for 1908-1909 is identical.

which the government received only \$3,590,497 in bonds. These figures include merely *bona fide* denunciations which were carried through and paid for. There were many which were not in good faith, the denouncers simply beginning the proceeding in order to get possession of the land and exploit it for timber, chicle, or whatever it contained.

During the Díaz period, the government also sold to companies and individuals 19,068,310 acres of surveyed land for \$6,580,688.⁵⁸ By the process of *composición* 14,537,202 acres of public domain, held without title by individuals, were converted to private ownership, for a consideration of \$1,617,352 in bonds. Another considerable amount (2,997,535 acres) passed to individuals gratis, by virtue of the government's having the lands examined and declaring that they were not public.⁵⁹ A comparatively small amount of land (620,815 acres) went as subsidies to railroads⁶⁰ and as special concessions. To colonists the government sold only 38,965 acres and that for \$60,388.

By these various methods 134,547,885⁶¹ acres,⁶² or twenty-seven per cent of the total area of Mexico, passed to the

⁵⁸The sales must have been greater, since the usual practice of the government was to sell to the surveying companies its two-thirds of the land surveyed; but the official reports show only the amount mentioned.

⁵⁹The attitude of the Díaz government toward land held without a title was singularly inconsistent. The process of converting possession into ownership was made very intricate and expensive for the small landholder (see *infra*, p. 123), while for the presidential favorites the proceeding was simple and entailed no expense.

⁶⁰Railroads were usually given a strip seventy meters wide for right of way, national land for stations, warehouses, offices, etc., the right to expropriate, by indemnification, private property needed for those purposes, and to obtain construction materials from national lands, free of cost.

⁶¹These figures include the comparatively insignificant amounts resulting from subdivision of *ejidos* and "donations to poor laborers," which will be treated in the next chapter.

⁶²Some authors, assuming that the government always sold its two-thirds resulting from the survey of lands, compute on that basis that the total amount of public land converted into private property in the Díaz régime was about 180,000,000 acres. (González Roa y Díaz

ownership of a few individuals and companies during the Díaz régime. For it the government of Mexico received only \$11,848,905, paid mostly in depreciated bonds. The worst feature of this squandering of the public domain was not the small monetary return that the transactions yielded, or the wastage of the nation's timber and other natural resources, or the demoralizing effects of land speculation or the enlargement of already immense estates. It was the fact that small landholders, villages and communities were in very many cases unjustly deprived of their holdings. Prescription availed to give ownership in the case of large proprietors, but it did not protect the poor, the ignorant, and those without political influence.

Covarrubias, pp. 76-78; Aguilar, p. 7; José L. Cosío, *Monopolio y fraccionamiento de la propiedad rústica*, p. 7. Mexico, 1914.)

CHAPTER VII

THE AGRARIAN SITUATION UNDER DIAZ

During the long administration of Díaz, the Reform Laws, which became practically a dead letter as far as ecclesiastical holdings were concerned,¹ were on the other hand applied severely and uncompromisingly to the property of civil corporations. In the application of these laws prior to the presidency of Díaz, hesitation and vacillation had marked the policy of the government with regard to the *parcialidades* or *terrenos de común repartimiento*, which were the old pre-colonial *calpulalli*. As to the *ejidos* and *propios*, they were plainly subject to expropriation and allotment in severalty under the Reform Laws, but the *terrenos de común repartimiento* were in a rather different category. Juárez himself was of the opinion, as was also Lerdo de Tejada,² that these tracts³ could not be considered as owned by "civil corporations" since the possession of them by the Indians antedated the Conquest and the organization of the civil corporations themselves, that is, the villages. Consequently, under Juárez and his successor, Lerdo de Tejada, these agricultural lands, which were usually the Indians' best property, remained undisturbed,

¹Cf. *supra*, pp. 93-95.

²Maza, p. 655; Dublán y Lozano, Vol. IX, pp. 546-547.

³These lands were in an equivocal position. After the constitution was amended (1901) so as to permit "civil corporations of perpetual and indefinite duration" to own real estate, the *terrenos de común repartimiento* were still considered subject to expropriation and allotment in severalty, because they did not come under the letter of the amendment, that is, they did not belong to "civil corporations of perpetual and indefinite duration." Under the circular of 1890 they had been subdivided, presumably, because they belonged to civil corporations; under the law of 1901 they were so treated because they did not do so. Doubtless the reason is to be found, not in legal niceties, but in the fact that they were desirable lands and hence aroused the cupidity of landowners. Sometimes the Indian owners paid full price for their own lands rather than give them up. Maza, pp. 725-726; 839-842.

in so far as the executive was able to exert a controlling influence.

Díaz, however, settled the question categorically. On October 28, 1889, he sent to the state governors a circular⁴ in which he admitted that such lands were not properly included within the regulations of the Reform Laws, but commanded that they be allotted in severalty to the joint owners, nevertheless. The next year another circular (May 12, 1890)⁵ from the president stated that Article Twenty-seven of the Constitution did not permit the *terrenos de común repartimiento* to remain under communal ownership: they must be expropriated and allotted in severalty. In consequence, from this time onward these tracts were to be subdivided and allotted along with the *propios* and *ejidos*.

These latter tracts, consisting of forest and grazing land, were not suited to ownership in small parcels, and it was inevitable that the Indian who received a title to two or three acres of woodland or of rough, and perhaps arid, pasture land, would part with it immediately for a small consideration. Especially was this true of very poor or very indolent Indians who were not able to pay the stamp tax and registry costs⁶ which were prerequisite to receiving a title.⁷ Some of them sold their small holdings even before getting possession or receiving a title.⁸ Even the Indian who was sufficiently advanced to grasp the ideas of private property and written title, and who tried to cling to his lot, had great difficulty in doing so, especially if the land was good. Not only did he have to supply working capital and pay taxes—which were high on small proper-

⁴Maza, pp. 1098–1100; A. de Lozano, *Diccionario razonado de legislación y jurisprudencia mexicana por A. del J. Lozano, a quien le sirvió de fundamento, base y modelo para formarlo el diccionario que sobre materias análogas escribió Joaquín Escribiche*, pp. 494–499. Mexico, 1905.

⁵Maza, pp. 1112–1113.

⁶Under Juárez subdivision of *ejidos* did not entail any expense whatever to the joint owners. *Memoria de fomento*, 1867–1868, p. 74.

⁷Zayas Enríquez, *La redención de una raza*, pp. 81–84.

⁸Villamar, p. 44.

ties—but he had to hold it against the rapacity of adjoining *hacendados* and the arbitrary proceedings of surveying companies. If he were not forced to mortgage it to some shopkeeper or money-lender, he could hardly escape the snare of the surveying company within whose concession his plot of ground lay, or of the *hacendado* who wanted him as a peon and was willing to take his land also. There was a great deal of fraud, as well as partiality and arbitrary preference, moreover, in the actual process of subdivision, so that many Indians did not have even the satisfaction of temporary ownership of a plot of land.

According to the old Spanish law, still in force at that time, the minimum size of the *ejido* of Indian villages was a square league (about 4,390 acres), but in many cases four square leagues were granted and no legal maximum was ever set. Some states had established four square leagues (17,560 acres) as the legal size.⁹ Many villages owned more than the lower minimum¹⁰ and needed more, for some of them had several thousand inhabitants. However, the law of March 26, 1894, limited apportionment of *ejidos* to the area of 4,390 acres: if a village owned more than that minimum, the inhabitants would be allowed¹¹ to buy proportional parts of the excess at one-half the official price for public lands.¹² In many cases the minimum *ejido* was assigned and apportioned from the poorest land, and the rest was sold to an outsider or admitted to denunciation.¹³

⁹Lozano, article on *Ejidos*; *Maza*, pp. 808-809.

¹⁰*Ejidos*, generally speaking, rested upon grants from the Spanish crown, in which the limits were designated by natural landmarks only, without previous survey. Hence the boundaries were extremely indefinite.

¹¹By the process called *composición*.

¹²Villamar, p. 68.

¹³Brinsmade and Rolland, p. 10; Brinsmade, p. 12. It seems likely, from the data available, that many *terrenos de común repartimiento* were confused, purposely or otherwise, with *ejidos*, and were denounced as *demasías*, or excess above the legal minimum. The reports of the Department of *Fomento* do not differentiate the types of communal land, but use the word *ejido*, as is often done, in the loose sense of "communal land."

It has been charged that several *ejidos* were sold undivided, to outsiders, in flagrant violation of the provisions of the Reform Laws.¹⁴ If Indians objected to the high-handed or illegal proceedings, the *rurales*, or constabulary, "restored order."¹⁵ Individuals who persisted in opposition were drafted into the army.¹⁶

During the Díaz period 2,272,750 acres¹⁷ of communal land were allotted in severalty to the joint owners; and it seems probable that practically all of this land passed, directly or indirectly, into the possession of the *hacendados* and land companies. In some cases the proceeding was perfectly legal, in others force and collusion were brought into play. This is not a large amount of land, to be sure, as compared with some of the vast concessions granted to surveying companies and individuals, but it represents thousands of small parcels and the means of livelihood of tens of thousands of Indians.

There were other ways in which the villages lost their communal lands. Those included within the limits of a concession made to a surveying or colonization company were practically always appropriated by the concessionaire,¹⁸ despite the fact that all contracts of this kind contained a provision against such spoliation. Entire villages were taken over by the companies and the inhabitants forced to pay rent for the lands which they had held from time

¹⁴Codificación de los decretos del C. Venustiano Carranza, primer jefe del ejército constitucionalista, encargado del poder ejecutivo de la Unión, p. 152. Mexico, 1915.

¹⁵Brinsmade, *op. cit.*, p. 12.

¹⁶Salvador Alvarado, *La reconstrucción de México*, p. 20. Mexico, 1919.

¹⁷These figures do not include *demasías*, which are accounted for under *composición* (*supra*, p. 110). It is impossible to judge from the records how much land came under this category, as *demasías* are included among other areas that passed to private ownership by the process of *composición*. For the authorities upon which the above figures are based, see *supra*, p. 109, note 56.

¹⁸Villamar, pp. 135-136.

immemorial, and even for their houses.¹⁹ As the companies were often authorized to deal directly with claimants,²⁰ their power was irresistible.

Villages were also despoiled by the operation of the laws allowing "denunciation" of public lands.²¹ Many villages that lacked titles passed to private ownership in this manner, the "denouncer" becoming their proprietor and the villagers, peons on the *hacienda* to which their lands were annexed.²² Sometimes a notice would appear in the official gazette, ordering all the inhabitants of a given village to leave within a brief specified time.²³ Even some state governors were not above usurping the lands of Indian villages by "denunciation." Mucio Martínez, for many years governor of Puebla under Díaz, is said thus to have driven the inhabitants away from entire villages in order that he might appropriate their land.²⁴ Rafael Cravioto, governor of Hidalgo, seized, at one fell swoop, several farms and the *ejidos* of four villages and annexed them to his *hacienda*.²⁵

Not even the possession of a perfect title availed to protect property from illegal seizure. The villages despoiled by Cravioto had clear titles. A *congregación* of the Montezuma family was dispossessed of a tract to which

¹⁹Pedro González Blanco, *De Porfirio Díaz a Carranza; conferencias dadas en el Ateneo de Madrid en los meses de marzo y abril de 1916*, pp. 266-267. Madrid, 1916; Castillo, p. 130.

²⁰*Supra*, p. 108.

²¹An interesting account of the methods, subterfuges, and chicanery employed in these "denunciation" cases is found in Wistano L. Orozco, *Las víctimas de Río Abajo, o sea, la propiedad inmueble y las acciones penales* (Mexico, 1905). It is the story of the struggles of a communal group of the Montezuma family, to retain their lands. They were intelligent and financially prosperous enough to employ able counsel—Wistano L. Orozco, an authority on the subject of public lands. Consequently they won their suit, but the case is exceptional in that regard.

²²Lara y Pardo, pp. 90-92.

²³*Ibid.*, p. 91.

²⁴*Ibid.*, p. 158.

²⁵*Diario oficial*, 18 de junio, 1917.

they had a flawless title dating from 1613.²⁶ Some villages had preserved land titles which went back to the time of the first viceroy,²⁷ in perfect form; yet these documents did not protect them against the concessionaires or favorites of Díaz.

Another source of usurpation and aggravation of agrarian evils was the law²⁸ regarding the use of federal waters (June 5, 1888) with its modifications²⁹ (June 6, 1894 and December 18, 1896). By them the definition of federal waters was extended so as to include many that formerly had been subject to state jurisdiction.³⁰ The president was empowered to grant to individuals and companies concessions for the exclusive use of federal waters for irrigation or industrial purposes, including privileges, exemptions, and the right to acquire through expropriation private property needed for canals, dams, dikes and reservoirs. Since Mexico's water supply is strictly limited, and much agricultural land is worthless without irrigation,³¹ favoritism in granting the use of that limited supply must cause great suffering.³¹

It was possible for an influential individual or company to obtain coveted lands in irrigated areas by cutting off the water supply from them; for then the owners would aban-

²⁶*Recopilación de circulares, reglamentos y acuerdos expedidos por las secretarías de estado adscritas a la primera jefatura del ejército constitucionalista. Gobierno provisional de la república mexicana*, pp. 468-469. Mexico, 1916.

²⁷*Diario oficial*, 7 de septiembre, 1917.

²⁸Villamar, pp. 352-355.

²⁹*Ibid.*, pp. 358-361.

³⁰The term "federal waters" now included all lakes and streams that were navigable or *flotables* (navigable for small craft) even though they did not flow from one state to another or serve as boundaries between two or more states; and also all those that did so serve, or flowed from one state to another, even if they were not navigable or *flotables*. Somewhat later (1908) the Constitution was amended so as to give Congress power to "define and determine what waters belong to federal jurisdiction and pass laws regarding the use and enjoyment of the same." Villamar, p. 340.

³¹González Roa, p. 112.

don their worthless holdings, leaving them in consequence open to "denunciation." Often the establishment of an industrial enterprise involved the ruin of numbers of agricultural communities dependent upon the water supply which was now diverted to other uses.³² Some companies, however, that received valuable concessions of water rights held them merely for purposes of speculation.³³ Some individual concessionaires used as much water as they needed for irrigation and allowed the remainder to go to waste, depriving small proprietors of the benefits of irrigation.³⁴ Since the waters were under federal jurisdiction, distance from the capital or the expense of negotiations or lack of political influence made an effective protest against such procedure beyond the reach of the man of small means.

Indian villages were also deprived of their lands by direct action of the federal government as a punishment for rebellion—often rebellion provoked in the first place by interference with their lands, on the part of individuals or companies. Such was the fate of the Mayas of Yucatán and the Yaquis and Mayos of Sonora. After the Mayas, for example, had been subdued by Victoriano Huerta, two companies were given concessions to survey their lands "as one of the many methods which the government employed to recover its authority."³⁵ The territory of Quintana Roo was organized from the pacified area (1904) and divided³⁶ among eight concessionaires.³⁷

³²An ardent apologist of the Díaz régime, Gustavo Dresel, admits freely the usurpation of Indian lands by means of monopoly of the water supply, but defends the spoliation on the ground that progress demanded it, and that the Indians were better off under industrialism. *A un pueblo errado un nuevo sermón de la montaña. Nuevos hombres, nuevas leyes, nueva organización política*, p. 22. Mexico, 1912.

³³Modesto C. Rolland, *Revolutionary Confederation*, p. 11. Vera Cruz (1914).

³⁴Francisco I. Madero, *La sucesión presidencial en 1910*, pp. 181-182. Mexico, 1909.

³⁵*Memoria de fomento*, 1897-1900, pp. 7-8.

³⁶Madero, p. 162.

³⁷Cf. *supra*, p. 107, note 44.

The cause of the wars with the Yaquis and Mayos was that Díaz gave to a former companion in arms, Carlos Conant, a concession of 2,500,000 acres in the basins of the Yaqui, Mayo, and Fuerte rivers. To the company organized by Conant, the president granted full power to represent the government. An effort accordingly was made to force the Indian villages to remove to new sites and to accept, as their share of the land, the minimum area for an *ejido* (4,390 acres), for each village. This tract was to be subdivided and apportioned, allowing each head of a family from about six to twelve acres. The wars occasioned by the resistance to these and other similar measures lasted practically through the whole of the Díaz administration and cost the government \$50,000,000; yet "the Yaqui question" was not settled.³⁸ The war against the Tomóchic Indians in the fastnesses of the Sierra Madre, had a cause somewhat similar, in that it was alleged to have been occasioned by the villagers' disregard of the obligation of paying taxes. The tribe was practically exterminated by federal troops sent against it.³⁹

The Michoacán Indians, moreover, had passively but successfully resisted the operation of the Reform Laws by depositing their individual titles resulting from the expropriation and allotment in severalty, in the keeping of a trusted *cacique* and resuming communal land tenure. In 1902 the state legislature of Michoacán passed the iniquitous "Law regarding the subdivision of the property of extinguished Indian communities." It provided that the land of the Indians could not be sold or mortgaged; that each village should appoint two representatives with power of attorney (*apoderados*) to whom their titles were to be entrusted; that in case the governor did not approve the Indians' choice of representatives, he should appoint others. In most cases he did not approve their choice and accord-

³⁸*Memoria de fomento*, 1883-1885, pp. 244-245; *ibid.*, 1892-1896, p. 20; Maza, p. 865; Madero, pp. 154-158; Walter S. Logan, *Irrigation on the Yaqui River*, pp. 55-65. New York, 1892.

³⁹Madero, p. 162.

ingly substituted unconditional supporters of his own and of the *jefe político*.⁴⁰ The result was that the villagers never saw their titles again, and their lands were gone. The latter were not sold, but leased for thirty to fifty years to *hacendados* or companies who exploited the woodland for timber and held the agricultural land in the expectation that the owners, if not allowed to cultivate their fields, would abandon them. More than fifty villages in the state of Michoacán lost their lands through the operation of the law of 1902, and more than 50,000 Michoacán Indians are said to have emigrated to the United States.⁴¹

The disintegration of Indian communal lands went so far that, at the end of the Díaz régime, it is said that ninety per cent of the villages and towns on the central plateau had no communal lands of any kind.⁴² Few *ejidos* were left in Hidalgo, none in Tlaxcala or in the Tehuantepec region. Villages of the states of Puebla and Mexico "had not pasturage for a goat." Morelos contained only one village, Tepoztlán,⁴³ that still owned communal lands.⁴⁴

⁴⁰The *jefes políticos* were the agents by means of whom Díaz attained his remarkable centralization of power. They were appointed by the state governors with the approval of the president and were placed in charge of sections remote from their homes, so that their actions would not be hampered by ties of friendship or relationship. Hard and unscrupulous men were usually chosen for the office, and they must be implicit supporters of the administration.

⁴¹Castillo, pp. 144-145.

⁴²Luis Cabrera, *La reconstrucción de los ejidos de los pueblos como medio de suprimir la esclavitud del jornalero mexicano*. Discurso pronunciado en la Cámara de Diputados el 3 de diciembre de 1912, p. 16. Mexico, 1913.

⁴³Antonio D. Melgarejo, *Los crímenes del zapatismo*, p. 4. Mexico, 1913; Fernández, p. 383.

⁴⁴It is said that none of the villages of Oaxaca lost their communal lands, because Díaz protected his native state. (Cosío, p. 17; González Roa, p. 241.) The question naturally arises, if it was in the president's power to prevent spoliation, why did he not extend his protection to all the villages? The answer is, that the villages possessed good land and the amount of good land in the country was limited. Díaz had to bribe possible political opponents in order to keep

Some villages had so little land left that each family could be allotted only one or two furrows. Yet they clung tenaciously to their bit, eking out a living by theft; and would not hire themselves, unless forced to do so, to neighboring *hacendados*, for fear of losing their tiny tracts.⁴⁵ In many localities the Indian villages were pushed off on arid, bleak mountain slopes where they, with great difficulty, extracted a living from the unkindly soil, while below them vast rich plains lay uncultivated.⁴⁶ Some large towns had not cemeteries even, because their lands were gone, and the adjoining proprietors held their property for prices so exorbitant as to be out of reach of the towns,⁴⁷ even had no legal difficulties been placed in the way of their purchase.

The zealous reformers of the fifties were in part responsible for the disaster that befell the villages by reason of having deprived them of legal power to protect their property. Since the Constitution forbade their owning real estate, the communal land must be taken from them; and if the manner of taking it was unfair, the villages had to submit, since, as a matter of fact and practice, they had no standing before the law. It is true that the syndic (*síndico*)⁴⁸ of the village was empowered to represent it in all matters pertaining to property, but no syndic would, or could, have stood alone against the powerful forces that opposed the villages. As a matter of fact it often happened that this official representative was so false to his trust as to seize the village lands himself.⁴⁹

Throughout the Díaz period the *propios*, or lands for municipal support, as well as the *ejidos* and *terrenos de común repartimiento*, continued to be sold or thrown open

their aspirations for power dormant; hence he deliberately laid hands on the village properties.

⁴⁵González Roa y Díaz Covarrubias, p. 128; Antonio Manero, p. 28.

⁴⁶González Roa, p. 78; Brinsmade, p. 14.

⁴⁷José R. del Castillo, *Historia de la revolución social de México*, p. 163. Mexico, 1915.

⁴⁸*Codificación de los decretos de Carranza*, pp. 152-153.

⁴⁹*Boletín oficial de la secretaría de agricultura y fomento*, 1917, p. 276.

to "denunciation." With the loss of these three classes of communal land, every vestige of genuine local self-government vanished from the villages and towns, for municipal autonomy was closely intertwined with the ownership and administration of the communal lands. Formerly the inhabitants had taken interest in the election of the *ayuntamiento*, or town council, since that body had managed the *propios* and *ejidos*. Now there was hopeless apathy toward local elections, for it made no difference who won. The *jefes políticos* tightened their hold and municipal self-government was gone. A law of March 26, 1903, reduced the *ayuntamientos* of the federal district and territories to a mere consultative body and took from their control the lands and revenues, (*propios y arbitrios*), incorporating the latter into the federal treasury. The complicated municipal mechanism was entrusted to three men—the governor, the director of public works, and the commissioner of public health.⁵⁰ The states, likewise, suppressed local budgets, took from *ayuntamientos* the power to levy taxes and required them to submit all measures to the governor or the state legislature for approval.⁵¹

Late in the presidency of Díaz several Indian villages made an effort to revive in modified form their communal land system. They consulted a noted jurist, Jacinto Pallares, who advised them to form coöperative societies and drew up for them a comprehensive plan. A deputation of Indians presented the project to Díaz and Limantour, the Minister of Finance, but they were met so coldly that they were forced to desist from their attempt.⁵²

Not only regularly constituted villages (*pueblos*) suffered spoliation and loss of lands during the Díaz régime by the methods above described, but also other forms of communal organization, such as congregations, communities,

⁵⁰Antonio Rivera de la Torre, *Paralelismo de hombres y caracteres. Juárez-Carranza; asuntos varios del constitucionalismo*, pp. 41-43. Mexico, 1918.

⁵¹Toribio Esquivel Obregón, *Influencia de España y los Estados Unidos sobre México*, p. 223. Madrid, 1913.

⁵²González Roa, pp. 88-89.

farms held in common, and Indian confraternities (*congregaciones, comunidades, rancherías, cofradías de indios*). Small properties held in individual ownership suffered also, if their titles were not perfect, as was frequently the case. However, as has been shown, flawless titles did not in every case protect property from illegal encroachment.⁵³ The highly centralized administration of Díaz, the venality of the courts,⁵⁴ and the omnipotent sway of political influence made it all but impossible for the lowly and the ignorant to obtain justice.⁵⁵

The "law regarding gratuitous cession of national lands to poor laborers" (September 16, 1897)⁵⁶ sounds, on the face of it, like an attempt to make reparation for injustice, but a closer scrutiny casts doubt upon the benevolent intent of the lawmaker. It states that a "poor laborer" is to be regarded as one already in possession of a tract of public land, the fiscal valuation of which does not exceed two hundred dollars. In order to convert his possession into ownership, he must have the land surveyed and fenced at his own expense and, if any proprietor of adjoining land opposed the survey, he must stop it and enter suit. Moreover, he must present properly certified copies of the following documents: proof that he had been in peaceful possession ten years or that he had been in possession a year and a day under a deed of conveyance (*título traslativo*

⁵³*Recopilación de circulares*, pp. 468-469.

⁵⁴The recourse of *amparo*, or appeal to the federal courts on the ground of violation of constitutional guaranties, had been instituted with the high aim of assuring justice to all; but under Díaz it was converted into a means of centralization. The most insignificant case could be appealed, and in the federal courts the decision inevitably would be given to the contestant that enjoyed the favor of the administration.

⁵⁵The warmest defenders of the Díaz administration do not deny the usurpation of the lands of small proprietors, Indian villages and communities. Olegario Molina, for some years Minister of *Fomento* under Díaz, admits the spoliation in his official report (*Memoria de fomento*, 1905-1907, pp. 10-11), but says it was inevitable because of their communal ownership and the imperfection of their titles.

⁵⁶Villamar, pp. 204-210.

de dominio); a statement that no adjoining landholder opposed his acquisition of title to the tract in question; a statement that there was no lawsuit pending over the property; in case there had been a suit, a copy of the sentence handed down; two maps of the plot, with stamp tax paid; and finally, his last tax receipt. After having satisfied all the formalities mentioned, the applicant still did not obtain a title until after five years of cultivation, during which period he had to defend his tract, without a title, against surveying companies and "denouncers." If the land in question were held in common by a group, then it must be subdivided before steps were taken to obtain a title. In some cases, at least, the community's representative was required to give bond to the amount of five hundred dollars.⁵⁷ Under this law 638,535 acres, of which 344,852 were in arid Lower California, were adjudicated to between eight and nine hundred "poor laborers." The effects of this legislation upon the agrarian situation could not have been very noticeable. Indeed it has been charged that proceedings under it were used for the purpose of dislodging small proprietors. In some cases, it is said, they not only lost their land, but were prosecuted and fined for misrepresentation and perjury.⁵⁸

The so-called "*Leyes de reconcentración*," or "Laws regarding the concentration of population," were also made a pretext for separating small landholders from their property. These regulations specified that rural inhabitants living within a certain distance of the town to which they were politically subject must spend the nights in that town and establish their domicile there. The charge has been made that these laws were planned with the definite purpose of forcing small proprietors to abandon their holdings, so that the latter might be seized and the owners converted into peons.⁵⁹

⁵⁷*Memoria de fomento*, 1897-1900, pp. 239-242.

⁵⁸*Boletín oficial de la secretaría de agricultura y fomento*, 1919, pp. 268-270, 480.

⁵⁹Cabrera, *La reconstrucción de los ejidos*, p. 28.

In proportion as communal property and small individual holdings declined during the Díaz régime, large estates grew. Other factors besides the land legislation of the time contributed to this increase. The inequality of land taxation was appalling. It was not infrequent for small properties to be assessed twelve times as much per acre as adjoining large estates having the same quality of land. The declaration by the owner of the latter as to the valuation of his property was accepted by the tax assessor; hence large properties were assessed at from one-fifth to one-twentieth of their real value, while small properties were assessed at their full value or more. The total assessed property valuation of the state of Guanajuato, for instance, was only \$39,000,000—including, of course, the over-valued small properties—while agriculture alone yielded \$30,000,000 annually. The situation in the other states was similar.⁶⁰ Everything favored the large proprietor and made even existence difficult for the small one. The notary's fee on a real estate purchase of \$100 was 1,750 times as large⁶¹ proportionately, as on a purchase of \$1,000,000.⁶²

The problem of working capital was also a difficult one for the small proprietor, since the banks, which largely took the clergy's place as money-lenders after the Reform, lent only in large amounts and at high rates of interest.⁶³ The agricultural loan bank (*caja de préstamos*), founded by Díaz, lent only to large proprietors and principally in sums ranging from \$500,000 to \$5,000,000. Of its loans 99.4 per cent were in sums above \$50,000.⁶⁴

⁶⁰Molina Enríquez, p. 95; González Roa, pp. 89–93; Antonio Manero, p. 27; Aguilar, pp. 52–53.

⁶¹Molina Enríquez, p. 139.

⁶²On the former it was 7 per cent, on the latter .004 of 1 per cent.

⁶³Aguilar, p. 8; Brinsmade, p. 13; Molina Enríquez, p. 95; González Roa, p. 100.

⁶⁴Banks of issue, which were permitted to issue three times their capital in notes, speculated wildly in real estate on their own account; hence the provision in art. 27 of the Constitution of 1917, against the ownership of real estate by banks. A number of concrete examples of real estate speculation by banks are given by Manero (*op. cit.*) in

Large estates were also fostered and small holdings discouraged by the difficulty of obtaining perfect titles.⁶⁵ The origins of ownership had been so diverse, changes in law so numerous, and devious transactions so frequent, that the matter of establishing title had become highly complicated and expensive, so that only the comparatively well-to-do could afford the necessary outlay. In case of suit the courts almost invariably decided in favor of the contestant that was more influential or financially stronger. The hold of the small proprietor and the communal owner upon their property was therefore altogether precarious. When their ownership was called in question by a surveying company or a "denouncer," they were willing to pay their utmost by way of compromise, for they knew that an attempt to have their titles cleared would mean the total loss of the property in lawyers' fees.⁶⁶

Apart from the evils directly associated with tenure of the soil, other circumstances tended to encourage large estates and to make it difficult for small farms to maintain themselves. The much vaunted railroad construction, for instance, which Mexico owes to Díaz was far from being a benefit to the masses of the people. *Hacendados*, no longer dependent upon local markets, could seek the highest price for their products, which were free of export duty. On the other hand, import duties were high even on corn and other necessities of life; for the home producer, the *hacendado*, must be protected. Consequently the cost of living for the

his chapter on *El bancarismo como causa de la revolución*. Banking concessions were utilized by Díaz, much as colonization concessions were—as political bribes. He gave banks land concessions also. The *Banco de Londres y México* was given a concession (1899)—originally for colonization—of almost two million acres in Yucatán. *Diario oficial*, 8 de septiembre de 1917.

⁶⁵The laws regarding inheritance were extremely complicated also, and the procedure under them was very tedious and expensive. González Roa y Díaz Covarrubias, pp. 72–73.

⁶⁶Orozco, *Legislación y jurisprudencia sobre terrenos baldíos*, quoted by Molina Enríquez, pp. 133–135.

peon soared, while wages increased very little.^{66a} Railroads favored large shippers by preferential rates, and the small landowner could not compete. It was claimed indeed that the railroads prevented famine. They did prevent acute famine, but the peon now suffered chronic hunger.

The decline of village communal property and small individual holdings, and the concentration of land in the hands of the few had gone so far, by the end of the Díaz régime, that the state of Morelos,⁶⁷ for instance, was owned and controlled by twenty *hacendados*.⁶⁸ According to the census of 1910⁶⁹ the number of *hacendados* in Mexico was 834 and the number of agricultural laborers held in debt service (*peones de camno*)⁷⁰ was 3,103,402. The latter, with their families, conservatively estimated, would number 9,000,000 to 10,000,000, or from three-fifths to two-thirds of the population. Another item in the census gives 410,566 "persons engaged in agriculture" (*agricultores*). This classification would comprise small proprietors, farm laborers not held in debt

^{66a}In Puebla wages of agricultural laborers rose from 18 or 25 *centavos* in 1876 to 25 or 37 *centavos* in 1910, that is to say 50 per cent; but the price of corn rose, in the same period, 200 per cent and that of *chile* 800 per cent. (Brinsmade, p. 15.) In some parts of the country wages of peons were as low as 12½ *centavos* per day; and everywhere the practice was to pay laborers, not in cash, but in credit at the *hacienda* store (*tienda de raya*) which was itself a source of large profit to the *hacendado*.

⁶⁷The population of Morelos was, however, only 179,594 in 1910. The disproportion between the number of landowners and that of laborers must have been even greater in some other states.

⁶⁸González Roa y Díaz Covarrubias, p. 63; Melgarejo, p. 4.

⁶⁹*Tercer censo de la república mexicana*, 1910, Vol. II, pp. 266 to end. Mexico, 1911.

⁷⁰Since the wages of peons were hardly sufficient even for food, and allowed absolutely no expenditure for recreation and holidays, it became customary for the *hacendado* to lend them a few dollars each Holy Week and Christmas. Naturally the debtors could never repay the loan, and they were not allowed to leave their master's service as long as they owed him anything. Consequently, they were virtually bound to the soil. When an *hacienda* was sold, these debts were reckoned as a part of the price and the peons passed, along with the land, to the new owner. These conditions existed despite the constitutional provision (art. 5) that "no one can be forced to render personal services without just remuneration and without his full consent."

service, the various classes of tenant farmers (*comuneros*, *medieros*, *aparceros*),⁷¹ and those villagers and members of *congregaciones*, above alluded to, that owned two or three furrows each.

The economic subjection of the masses was increased by the opposition of *hacendados* to the incorporation of new villages. The population in 1910⁷² was two and a half times as great as in 1810,⁷³ yet the number of urban centers had increased only twenty per cent, and the number of villages (*pueblos*), most of which were composed of Indians, had risen less than four per cent.⁷⁴ Many *hacendados* had several thousand peons on their estates, but refused to allow them to apply for incorporation. It is said that proprietors often destroyed the huts of peons and scattered the inhabitants over the *hacienda* to prevent the formation of villages.⁷⁵ The masters would not risk sharing their authority with a municipal organization.

Toward the end of his "reign" Díaz began to realize that his munificent favoritism had gone too far in some directions. In view of the ruin he had wrought or allowed to be wrought—and the sullen misery of the masses, he set about to remedy some of his and his predecessors' mistakes. In 1901 Article Twenty-seven of the Constitution was amended so as to permit the acquisition and administration of real estate and real estate mortgages by civil corporations, except those under the patronage, direction, or management of clergymen of any denomination.⁷⁶ This legislation was intended to permit the reconstitution of the communal and municipal lands, but the process of disintegration had gone so far that mere legislation had no effect whatever.

⁷¹González Roa and Díaz Covarrubias, p. 8.

⁷²Census of 1910, Vol. II, pp. 19-25.

⁷³Navarro y Noriega, p. 114.

⁷⁴In 1810 the total number of urban centers was 4,707, of villages 4,682; in 1910 there were 5,668 urban centers and 4,958 villages.

⁷⁵González Roa, p. 105.

⁷⁶Villamar, pp. 118-119.

The following year Díaz revised the legislation regarding public lands. The decree of revision (December 30, 1902)⁷⁷ authorized the executive to have the remaining public lands surveyed by salaried official commissions, and forbade him to employ companies for surveying or to compensate such services, in any case, with land or land scrip. The acquisition of land by prescription was made to depend directly upon the executive—who was authorized to issue titles in such cases; and thirty years' occupation was now to be necessary in order to establish ownership. "Denuncia-tion" of public lands was still allowed, provided the territory in question had not been surveyed and was not occupied.

Decrees of July 26 and October 18, 1909, declared the sale of national lands suspended until the surveys already made should have been rectified and determination had been made of what lands were to be retained as forest reserves.⁷⁸ Contracts involving sale or promise of sale of public lands by the federal government were to become null at the termination of the period specified therein and could on no condition be renewed or extended.⁷⁹ The existing laws with regard to the expropriation and apportionment of communal lands were not derogated, but the decree of December 18 required that the recipients of lots must cultivate them. The tracts were to be held merely in usufruct for ten years, during which time they could not be rented, leased or alienated. If any third person acquired such lands in contravention of the law, the government would confiscate them and restore them to the usufructuary.

However, these were only half-way measures, even had it been possible to carry them out. As the clouds of revolution became more threatening, Díaz was willing to make still greater concessions. In his last message to Congress, April 1, 1911, he mentioned among the changes which

⁷⁷*Ibid.*, 240–244.

⁷⁸*Memoria de fomento*, 1909–1910, Anexo número 13, 14, pp. 24–26.

⁷⁹It had been customary hitherto to renew such contracts again and again, to suit the convenience of the concessionaire.

seemed to him urgently necessary, the reform of the judiciary and the breaking up of large estates. In May, 1911, a few days before his resignation, he submitted to Congress a bill embodying his plan for supplying land to the poor. It empowered the executive to subdivide national lands that were irrigable and situated near means of transportation, to expropriate irrigation works already constructed and to build others where needed. In localities where no tillable national lands were available the president was authorized to take away the requisite amount of land from individuals if they would not consent to relinquish it and sell it themselves. With the evident purpose of forcing the dividing up of large estates, it was provided that federal waters should be granted only to owners of small properties or to large owners who would undertake to partition their holdings.

These measures, however, were entirely futile. The exasperation of the masses was too deep to be soothed by projected legislation or promises of reform. The man who concentrated the legislative, executive and judicial power in himself, who amended the Constitution with a stroke of the pen, and whose authority extended like a network of veins to every part of the republic, had not lifted a finger, when he could have done so, to prevent the shameful exploitation and tragic impoverishment of the masses.

CHAPTER VIII

THE AGRARIAN PHASE OF THE REVOLUTION OF 1910-1920

In 1889 Sebastián Lerdo de Tejada, who had been driven from the presidency of Mexico by the revolution of Porfirio Díaz in 1876, wrote from his exile in New York City: "I prophesy for Mexico, within a period of ten years, the most terrific and sweeping of revolutions: not a sterile struggle of outworn political parties, but a tremendous social revolution. No one will be able to prevent it or to arrest its progress; its development is slow and latent like those subterranean forces that produce cosmic cataclysms."¹ Lerdo de Tejada's calculation erred by only a trifle over a decade; he underestimated the power and longevity of his successor.

Mexico's history since the early part of the nineteenth century has been that of a struggle between the proletariat, threatened with extinction, and the privileged classes—the clergy and the landed aristocracy. The large mass of the Indian population, accustomed for centuries to a form of local self-government, might have been fitted quite readily into a modern system of administration, had not social and economic causes operated virtually to enslave them. The ills of the country are, and always have been, mainly social and economic, not political. Political commotions, though frequent, have been evanescent, confined to a small area, and limited to a few who thirsted for power and to such a following as their demagogical methods could procure.

There have been, however, three general and widespread revolutions in Mexico: the insurrection that ended in independence, the upheaval promotive of the Reform, and the struggle of 1910 to 1920. The first, almost purely social in its character, banished a relatively small privileged class—the Spaniards—but substituted another—the Creoles—and allowed the clergy to attain greater power. The

¹Sebastián Lerdo de Tejada, *Memorias*, pp. 148-149, Mexico, (1896).

second, also primarily social, but having in addition important economic and political elements, broke the power of the clergy, but in so doing gave a tremendous impulse to the landed aristocracy and caused the masses to sink lower and lower into misery. The third revolution, a social and economic, rather than political movement, was directed against the remaining privileged group—the landed aristocracy.

The condition of the masses was far worse in 1910 than it had been in 1810. This made the aims of the latest struggle more definite than those of its predecessors. A century of misery, growing by leaps and bounds after the attainment of independence had accumulated wrongs and grievances that could no longer be borne. Concentration of wealth and monopoly of land could go no further; means of livelihood for the masses could be forced no lower; the irreducible minimum of subsistence had been reached.

The outburst of 1910 was very widespread; it flamed up in all parts of the country at once, because in every village, hamlet, farm and *hacienda*, were victims of injustice—people that had been robbed of their lands, villages whose *ejidos* had been usurped, people that were hungry day in and day out, youths whose fathers had been virtually kidnapped—*enganchados*—to serve as peons on the *haciendas* in the deadly tropics, or had been drafted into the army or assassinated by the *ley fuga*, or “law of flight.” Like the revolution of 1810, that of 1910 was a spontaneous uprising of the masses, not the result of a *cuartelazo*, or military *coup d'état*. Francisco I. Madero in no sense incited or planned the revolution; it succeeded—so far as it did succeed—in spite of Madero. He was merely “The Apostle,” the spokesman of the inarticulate masses. He seems not to have understood the agrarian problem or the political situation. He believed that, if he could remove the fetters forged by Díaz, if he could assure a free press, free speech, free elections and freedom of initiative in Congress, a strong, happy, and free people would arise. Though he was not a Juárez, much honor is due

the idealism of Madero who, from his lofty station of affluence and privilege, heeded in some degree at least, the groans of the oppressed and attempted their relief.

The principal planks of Madero's platform were "effective suffrage" and "no re-election," but it was not these phrases that caught the ear of the masses and aroused them from their apathy. It was the following words in the *Plan de San Luis Potosí* (October 5, 1910), the revolutionary platform signed by Madero only: "Through abuse of the law regarding the public domain, numerous small proprietors, principally Indians, have been deprived of their lands, either by acts of the Minister of *Fomento* or decisions of the courts. Since justice demands the restitution to their owners of lands thus arbitrarily taken, such acts and decisions are hereby declared subject to revision; and those who acquired property in so immoral a manner, or their heirs, will be required to restore the same to its previous owners, whom they will also indemnify for the injury suffered."²

Díaz, by promising agrarian reform, had made the matter a political issue; hence public opinion was centered upon that phase of the struggle, and the rather vague promise of the revolutionary program became, in the minds of the people—though not in Madero's—the main issue. More definitely than in the revolution of 1810, the Indians seized their rifles with the hope of regaining their lands.

Upon Madero's installation in office, the oppressed elements in the population naturally expected something effective to be done about the matter of agrarian reform. The press at the time was full of discussions and proffered solutions. But the president's hands were tied. He had made the fatal mistake of attempting compromise, conciliation, and half-way measures. He appointed several *científicos*, adherents of the Díaz régime, to his cabinet. His congress was dominated by *científicos*, who adopted an

²Rafael Martínez, Carlos Samper y José Lomelín, *La revolución y sus hombres*, Apéndice. Mexico, 1912.

obstructionist policy and hindered reform. Outside of governmental circles Madero was opposed by the *hacendados*, the clergy and his numerous family who had had no sympathy with his campaign but now demanded the fruits of the victory. The very liberties that Madero granted were turned against him—freedom of speech, of the press, of election and of initiative in Congress. Treachery was all about him, but Madero, guileless and trusting, refused to see it.

One of his most serious mistakes was that of entrusting the important portfolio of *Fomento*, which department would naturally have conducted the agrarian reform, to his cousin, Rafael Hernández, who was charged with being a *científico* and who had been the emissary of Díaz to the peace conference at Ciudad Juárez, which had ended the revolution. Hernández, in view of the fact that in several states the proletariat, impatient of delay, was seizing and subdividing *haciendas*, issued and gave wide circulation to a pamphlet in which he calmed the fears of the *hacendados*,³ assured them that their rights would not be interfered with, and outlined his plan of agrarian reform. It was not really a plan at all, but simply an array of words. In pursuance of it Hernández induced a number of *hacendados* to adopt compromise measures. Some of them agreed to rent their lands to peons; others, who already had lands rented on the onerous conditions that prevailed in the Díaz régime, agreed to make the terms less severe; others allowed peons to cultivate small patches of land gratis. Many revolutionists were induced by these slight concessions to go back to work on the *haciendas*.⁴

In other respects the land question remained pretty much as under Díaz. The *Caja de Préstamos* continued to lend sums to large interests only; the few *ejidos* that still remained in possession of the villages, were subdivided and allotted; land concessions did not cease, though their size

³*Memoria de fomento*, 1911-1912, p. 497.

⁴*Ibid.*, p. 81; *Land and Liberty*. Mexico, 1913.

was limited by legal provision, and a few were revoked for failure to comply with the conditions of the contract.⁵

The president managed to make a beginning also of the rectification of fraudulent surveys of public lands which had marked the Díaz administration. The commission appointed for that purpose started its labors in Chihuahua, but was opposed by the powerful Terrazas-Creel group who owned most of the state. As the commission persisted, these landholders bribed the ignorant, naïve "general," Pascual Orozco, an erstwhile supporter of Madero, to turn against the administration.⁶ They are said even to have dangled promises of the presidency before the dazzled eyes of the former muleteer.⁷ The Orozco revolutionists at all events seized the data that the commission had been able to gather and forced it to desist from its labors.

Other efforts at reform had scarcely better success. In Guanajuato the state government attempted a revaluation of land, in order to inaugurate the "single tax," but the only effect was to arouse bitter resistance.⁸ The governor of Coahuila made a similar attempt, but was opposed by the Madero family, owners of a large part of the state, who demanded protection of the president and insisted that they be exempted from recording their property.⁹

In Congress, Luis Cabrera, one of Madero's supporters, advocated the reconstitution of the *ejidos*¹⁰ as the only practical and immediate way of aiding the masses. It was necessary to assist, not individuals here and there, or a few

⁵*Ibid.*, pp. 75-82; *Boletín de la secretaría de fomento*, 1918, p. 624.

⁶Orozco published a manifesto, doubtless dictated by the landholders mentioned, in which he uttered some harmless generalities about agrarian reform, which meant absolutely nothing. (*Manifiesto de Pascual Orozco*, 15 de agosto, 1912.) When Huerta came into power, Orozco hastened to recognize him.

⁷*Mexican letter*, December 11, 1914, Bull. no. 27. Sent out by the Mexican Bureau of Information, August 1, 1914, to June 24, 1915.

⁸Salvador Alvarado, *La reconstrucción de México*, pp. 277-278. Mexico, 1919.

⁹F. Padilla González, *Perfiles rojos*, p. 32. Vera Cruz, 1915.

¹⁰Cabrera, *La reconstrucción de los ejidos*.

hundreds or thousands, but whole groups and masses at once, for millions were in misery. Land must be given the proletariat before the next planting season, if a tremendous uprising was to be avoided. It was true, said Cabrera, that the villages could not own land under the Constitution, but as a temporary measure ownership could be vested in the federal government and the usufruct be given to the villages. Cabrera's able plea, however, was shattered upon the obstructionist attitude of Congress and the Minister of *Fomento*. The latter even went so far as to forbid several villages—situated a few miles south of the capital, on Mount Ajusco—which still had *ejidos* of woodland, to exploit them. When Cabrera, among whose constituents the villages were numbered, remonstrated with the minister he replied that it was very desirable that those villages should cease to exist, so that the government could carry out its forestry policy unhampered.¹¹

As time passed and absolutely nothing was done to relieve the agrarian situation, the masses began to feel that they had been tricked. The Yaquis who, since the fall of their arch enemy, Díaz, had twice sent a deputation to the executive and had been promised the restoration of their lands, now lost patience; and, when a new concession was granted to a certain company for the "colonization" of their lands, they again took to the warpath.¹²

"Zapatism" was another of the grave problems of Madero's administration. The Zapata brothers, Emiliano and Eufemio, of the state of Morelos, had subscribed to Madero's *Plan de San Luis Potosí*. Subsequently they had adopted a more definite platform of their own, namely, reconstitution of the *ejidos* and the restoration of the usurped "lands for apportionment." Emiliano Zapata had demanded of Madero, as the price of peace, the settlement of the agrarian

¹¹Cabrera, *op. cit.*, p. 28.

¹²*Memoria de fomento*, 1910-1911; J. Figueroa Domenech, *Veinte meses de anarquía*, pp. 73, 82; Mexico, 1913. Gregorio Ponce de León, *El interinato presidencial de 1911*, p. 35. Mexico, 1912; *Memoria de fomento*, 1911-1912, pp. 507-510.

question in that state. The cabinet refused to consider the matter and federal troops were sent into Morelos. Zapata then, regarding this action as a betrayal of the revolution, issued the more ambitious "*Plan de Ayala*."

The introduction to that document reads as follows: "Let Señor Madero—and with him all the world—know that we shall not lay down our arms until the *ejidos* of our villages are restored to us, until we are given back the lands which the *hacendados* stole from us during the dictatorship of Porfirio Díaz, when justice was subjected to his caprice. We shall not lay down our arms until we cease to be unhappy tributaries of the despotic magnates and landholders of Morelos. We shall not lay down our arms as long as we are forced by poverty and hunger to make our children cultivate the master's fields, when they are still in the tender years of childhood and have not yet learned the alphabet."¹³ The *Plan* itself provided for a vague system of expropriation applicable to the property of *hacendados* and *científicos*, indemnifying the owners with one-third of the value of the property taken.¹⁴ The Socialist element in Morelos also subscribed to the arrangement on the ground that "Zapatism" was a "stepping-stone to socialism."¹⁵ "Zapatism" had spread not only over all of Morelos but to the Federal District, the states of Puebla, Jalisco, Guerrero, México and Tlaxcala,¹⁶ and there were serious disturbances in Oaxaca and in the north.

The presidency of Victoriano Huerta did not really interrupt the progress of the social revolution. His *coup d'état* was a *cuartelazo* such as Mexico has had by the dozen in its tempestuous history, and could not affect long or seriously

¹³Zapata himself, a former peon, could neither read nor write. The *Plan* was the work of his "secretary," an ex-schoolmaster, Montaño.

¹⁴Edmundo González Blanco, *Carranza y la revolución de México*, 2 ed., pp. 229–268. Madrid, 1916.

¹⁵Melgarejo, opposite p. 114.

¹⁶These were the states in which the disappearance of the *ejidos* had been most complete.

the outcome of the forces that were at work.¹⁷ Huerta had money in abundance and the support of the landed aristocracy. Many of the clergy also adhered to him. They used the pulpit and the confessional to urge the faithful to enlist in the ranks of Huerta and decry the rising revolution. Arms were found in the churches and the residences of priests. The clergy furnished large sums of money to Huerta; numbers of them also went to the United States and there carried on their propaganda.¹⁸

The Constitutionalist movement, headed by the civilian, Venustiano Carranza,¹⁹ was not primarily for the purpose of regaining the political rights trampled upon by Huerta. It was a continuation of the social revolution which had been undertaken by Madero, but had proved too difficult for his feeble energies. Carranza, himself an *hacendado* and an intelligent man, was able to see the agrarian problem from all angles, and was therefore not in danger of going to extremes, as were Zapata and Orozco.

After the Constitutionalist cause had measurably triumphed over the genuine forces of reaction, Carranza still had to combat the spurious ones. Francisco Villa, a general in the revolutionary army, corrupted by the *hacendados*, principally the Madero family, had turned against Carranza, just as Orozco in 1912, corrupted by the Terrazas family, had turned against Madero.²⁰ Zapata, too, ill-advised by his coterie, was evidently holding out for the presidency, absurd as it seems. In October, 1914, Carranza

¹⁷President Wilson's refusal to recognize Huerta doubtless hastened the triumph of the Constitutionalists; but it seems improbable that, even with recognition, the Huerta government could long have survived, made up as it was of the disaffected of the Madero régime and the remnants of the Díaz period.

¹⁸Padilla González, p. 51.

¹⁹As governor of Coahuila, Carranza had already made himself notable for his interest in the proletarian classes, and his social legislation, such as workingmen's accident insurance, laws providing sanitary homes for laborers, etc. (M. Aguirre Berlanga, *Revolución y Reforma*, apéndice, p. 18. Mexico, 1918.)

²⁰*Mexican Letter*, December 11, 1914. Bull. no. 27.

sent to Zapata a delegation to explain that the Constitutionalist cause was in harmony with the essential principles of the *Plan de Ayala*, but the former peon refused to heed. Success had gone to his head.²¹

Villa's defection made it necessary for Carranza to formulate the specific objects of the revolution.²² Those bearing upon the agrarian problem were: restoration to the villages of communal lands of which they had been unjustly deprived; enactment of agrarian laws that should tend to encourage small rural holdings and reduce the latifundia; equalization of taxation; legislation that would better the condition of the peon and the proletariat in general; strict enforcement of the Reform Laws; establishment of municipal liberty as a constitutional institution; organization of an independent judiciary and reform of judicial procedure so as to expedite the administration of justice; and conservation of the natural resources of the nation.

As military leaders and provisional governors were taking into their own hands the urgent matter of agrarian reform, seizing and subdividing *haciendas*, enacting laws in regard to peonage and the minimum wage, and entering upon other measures, it was necessary to unify the efforts and to restrict them within the bounds of legality. Hence Carranza, after having obtained, by means of a questionnaire,²³ opinions and suggestions from all the governors of territory occupied by the Constitutionalist forces, issued the important "Decree²⁴ of January 6, 1915" providing for the manner of restoring lands to villages, which was the most urgent of the projected measures.

The introductory part of the decree sets forth that the

²¹*Red Papers of Mexico, an exposé of the great científico conspiracy to eliminate D. V. Carranza; documents relating to the embroglio between Carranza and Villa*, pp. 10-15. New York, 1915; *Mexican Letter*, October 6, 1914. Bull no. 10.

²²L. Melgarejo Randolph y J. Fernández Rojas, *El congreso constituyente de 1917*, pp. 10-12. Mexico, 1917.

²³*Recopilación de circulares*, pp. 46-157.

²⁴*Codificación de los decretos de Carranza*, pp. 151-157.

principal cause of unrest and strife among the rural population was the loss of the communal lands granted to the villages by the colonial government as a means of insuring their subsistence. Not only villages (*pueblos*), but other communal groups (e.g., *rancherías*) had been despoiled through illegal sales by local authorities, *jefes políticos* or governors, under pretext of survey of the lands in question, through denunciation of excess of *ejidos* by third parties, and through concessions, sales and *composiciones* made by the Ministers of Finance and *Fomento*.

The rights of the villages, the decree continued, had invariably been violated, in case of a contest, because they could not sue at law; and the *síndico*, whose duty it was to protect the villages, was usually indifferent or was bribed by the parties interested in obtaining the property in question. Villagers and communal owners, thus unjustly deprived of their means of livelihood, had no choice but to sink into the most abject servitude. Their condition was desperate and the necessity for restitution of their lands was urgent. In many cases, however, restitution would be impossible, either because the process by which the property had been transferred was legal, or because the villages had lost their titles, or because the tracts could not be accurately identified, owing to imperfections of title. In such cases it was provided that the villages should be supplied, by way of grant, with lands expropriated from adjoining *haciendas*. The owners were to be indemnified for the property taken, and, if they considered themselves despoiled, might have recourse to the proper tribunals. The law also allowed bestowal of *ejidos* upon villages that had never had any, and upon new settlements that might be formed. National, local, and special agrarian commissions were provided for putting the decree into effect, and a circular urged governors to use the greatest care in selecting the personnel of these bodies, both as to intelligence and character, because of the extreme delicacy of the work which they would have to perform.²⁵ The law, it was stated, was not an

²⁵*Recopilación de circulares*, p. 159.

attempt to restore or to give an impulse to communal ownership of property, but was simply a transitional measure to meet a present emergency. The expectation was that the communal lands would ultimately be converted into private property, after the enactment of laws that would adequately protect the existing owners and prevent a second spoliation.

Most of the requests which the various agrarian commissions received were for the restitution, not a grant, of *ejidos*. This would indicate that the greater number of villages considered that they had been despoiled of their lands. However, the amount of land transferred to the villages by way of grant was much greater than by restitution. Much discrimination was exercised in the application of the law. Careful distinction was made between Indian property acquired by *hacendados* in a legal manner and that obtained by fraud. Villages and communities were allowed restitution of land only when they could present complete documentary evidence of ownership and of the fact that the usurpation had taken place since 1856.²⁶ Some villages claimed to have been robbed during the period of the revolution beginning in 1810, others late in the colonial era, still others as far back as the early seventeenth century. In none of these cases was land restored, but the villages were advised to present petitions for the grant of *ejidos*.²⁷

A pathetic case was that of the four villages despoiled by Rafael Cravioto, governor of Hidalgo.²⁸ He had forced them to give up their titles, consequently they could not now be granted restitution. He had burned their huts and scattered the inhabitants over neighboring *haciendas*; therefore, since they no longer had any corporate existence, they

²⁶*Boletín de la secretaría de agricultura y fomento*, 1916, pp. 146-148.

²⁷No attempt was made to restore land that had been taken from non-corporate groups or mere joint owners, though many such requests were received. The application of the "Decree of January 6, 1915" was limited strictly to *pueblos, congregaciones, rancherías* and *comunidades* (*Diario oficial*, 28 de septiembre, 1917).

²⁸*Supra*, p. 116.

could not be granted *ejidos*. The commission advised these groups to seek reincorporation into villages and then petition for town sites and *ejidos*.²⁹

Another interesting case was the village of Cuauhtemotzín, which from a *congregación* had become a *pueblo* in the early days of the Díaz period, after years of saving and buying land little by little for the town site (*fundo legal*). Scarcely had they attained the new dignity when their lands were snatched away. Now, though they were a village of two thousand souls, they had not a foot of ground. Their titles were found to be good, however, and their land was restored.³⁰

The town (*villa*) of Colima with more than 25,000 inhabitants had lost its *ejidos* through usurpation by the owners of adjoining *haciendas*. As the inhabitants were largely agricultural by preference and training, many had to go south yearly to seek work. The restoration of their *ejidos* (17,354 acres) gave the inhabitants access to wood and pasturage free; the price of milk went down; within one week three hundred men requested plots of ground to cultivate and it was estimated that 5,000 could be supplied with land.³¹

The amount of land granted to each village varied, according to the number of inhabitants, from 170 acres to 41,697,³² but was generally less than the minimum *ejido* of a square league established by the old Spanish laws. Whenever it was possible—which was seldom—the *ejido* was taken from the public domain; but practically always land had to be expropriated from private property. The policy was to take it from large estates, never from small holdings. If possible, a small tract was taken from each of several *hacendados*, so as to cause the minimum of injury to each individual. Expropriated land was paid for in bonds at the rate of

²⁹*Diario oficial*, 18 de junio de 1917.

³⁰*Ibid.*, 15 de junio de 1917.

³¹*Acción mundial*, Vol. I, no. 1, p. 15. Mexico, 1916.

³²This was a case of restitution, based on a perfect title. No grant of *ejidos* was so large.

about twenty dollars per acre.³³ Up to September 1, 1921, the total amount of land that had been transferred to the villages and communes by way of restitution was 413,123 acres, and by way of grant 1,462,293 acres.³⁴ These figures include several new villages which were incorporated and received *ejidos*.

When the Constitution of 1917 was adopted, the decree of January 6, 1915, was raised to the status of a constitutional provision and was substantially incorporated into Article Twenty-seven. By it municipalities and settlements having a communal character (*pueblos, condueñazgos, rancherías, comunidades, congregaciones, tribus, corporaciones de población, municipalidades*) regained their legal capacity to own real property. The right of eminent domain, asserted in the Constitution of 1857 and implied in the decree of January 6, 1915, was elaborated in Article Twenty-seven also. It was specifically extended so as to include division of large landed estates, subject to indemnification, and taking away from them the necessary lands and waters with which to endow villages and other communities. It was provided that each state and territory should fix the maximum area of land which one individual or legally organized corporation might own, and that the excess above that amount should be subdivided and offered for sale by the owner or owners under such conditions as the respective governments should approve. States were authorized to issue bonds to meet their agrarian obligations. Provision was also made with regard to the ownership and development of waters, in order to prevent monopoly and usurpation such as had been practiced in the time of Díaz.

By authority of Article Twenty-seven, which declared that, "All contracts and concessions made by former governments from and after the year 1876 which have resulted in the monopoly of lands, waters and natural resources by a single individual or corporation, are declared subject

³³González Roa, pp. 241-242.

³⁴*Diario oficial*, September 3, 1919; *Informe presidencial* in *Diario oficial*, September 7, 1921.

to revision, and the executive is authorized to declare those null and void which seriously prejudice the public interest," the government under Carranza also undertook the difficult and delicate task of revising the concessions granted by Díaz. As for the colonization contracts that had remained such, it was a simple matter to show that they had been violated in numerous respects. Of the two hundred and fifteen³⁵ agreements of the sort, only seven were found that seemed to have the genuine purpose of colonization. These were confirmed, twenty-seven³⁶ of the rest revoked at once, and the others investigated.³⁷ Various grants for forest exploitation were annulled for failure to observe the forestry laws and to send reports to the government.³⁸ Several concessions for purchase and sale of public lands were voided because the Díaz government sold the tracts for less than the official price.³⁹ A number were revoked because of the location of the lands in the frontier or coast zones, within which foreigners were forbidden to own property. All concessions granted by Huerta, during whose short period of office a veritable orgy of land-grabbing took place, were revoked by Carranza on the ground of the illegitimacy of the Huerta government.⁴⁰

However, many contracts that were entered into after Díaz had decreed his law of March 26, 1894, could not be touched legally. Its provisions were so lenient that a con-

³⁵Carranza treated as "colonization contracts" a number that were originally such, but had been revised by Díaz so as to relieve the concessionaire of the obligation to bring settlers. Carranza took the position that the former president had no right to dispose of the domain of the nation except for purposes inuring to the public good.

³⁶The property rights of the very few colonists that had been established by the various companies—there were scarcely more colonists than concessionaires—were recognized, no matter what happened to the concession. *Boletín oficial de la secretaría de fomento*, 1919, pp. 200-203, 277-278, 381-383, etc.

³⁷González Roa, p. 128 *et seq.*

³⁸*El constitucionalista*, January 3 and 25, 1917.

³⁹*Diario oficial*, November 3, 1917.

⁴⁰*Recopilación de circulares*, pp. 83, 114-115, 140-141, 178-201; *Diario oficial*, September 8, 1917.

cessionaire could hardly have violated them even were he so disposed. It is true that almost every act of Díaz in this matter was contrary to the spirit of the Constitution, but he was extremely clever in "seeking legal support," as one of his favorite phrases ran. He did not conform his acts to law; instead he made laws to suit his acts. Hence it took considerable juggling with words⁴¹ on the part of Carranza to find semi-plausible grounds for the nullification of such contracts. Up to September 1, 1919, at all events, land concessions aggregating 37,434,658 acres had been revoked.⁴²

Various other provisions of Article Twenty-seven were designed to remedy the agrarian situation. Banks, which had been allowed and encouraged by Díaz to speculate in real estate, were now forbidden to own or administer any more of it than was necessary for the legitimate purposes of the institution; but they were allowed the transitional ownership of lands and tenements that might be adjudicated to them in payment of debt.

For the purpose of curbing the acquisition of property by foreigners, a practice that had become so notorious under Díaz, it was provided that foreigners could acquire concessions of real property in Mexico only by agreeing, before the Department of Foreign Affairs, to be considered Mexicans in that respect. There was nothing new about this provision, however. Practically all such contracts, from the era of independence down to the end of the rule of Díaz, contained a similar clause; the only novelty was its having been incorporated into the Constitution. Under Díaz the clause had been wholly ineffective, when, as the expression ran, Mexico was "a mother to foreigners and a stepmother to Mexicans."

In order to counteract the efforts of the Mexican clergy

⁴¹Carranza declared, for instance, that not Congress, but Díaz, made the law of March 26, 1894; and on that ground revoked several contracts that would have been illegal had the law of 1883 remained in force, but were quite tenable after Díaz had substituted for the latter the law of 1894. *Diario oficial*, September 8, 1917.

⁴²*Boletín oficial de la secretaría de fomento*, 1919, p. 488.

to circumvent them,⁴³ Article Twenty-seven reaffirmed, amplified and made more enforceable the Reform Laws. The Constitution of 1857, as amended April 24, 1901, had permitted "religious corporations and institutions" to own only such real property as was intended directly and exclusively for the purposes of the institution; and it forbade them to acquire or administer loans on real estate. That of 1917 went a step further and declared that even property destined for such purposes belonged to the nation. Article Twenty-seven provides also that "public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, and mutual aid societies formed for any other lawful purpose shall in no case be under the patronage or supervision of clergymen, and shall not be allowed to acquire, hold, or administer mortgage loans, the term of which exceeds ten years." So as to defeat the purposes of the clergy in forming stock companies, ostensibly commercial, but really for the administration of their real estate and funds, commercial stock companies were forbidden to acquire, hold, or administer rural properties, and could hold only such other real estate as was necessary for their immediate purposes.

The next year (1918) a law was passed to compel the cultivation of idle lands. It declared the cultivation of arable lands to be of public utility, and that the nation had the power to dispose temporarily of arable lands that were not being tilled by their proprietors or possessors. Each legislature was to set dates for the proprietors of arable land to begin the preparation for sowing the principal crops; if they had not taken proper steps by that time, the *ayuntamientos* of the municipalities in which the lands were situated could dispose of such lands for the sole purpose of

⁴³Soon after the promulgation of the Constitution of 1917, a pamphlet issued by some of the Mexican clergy was found in circulation. It urged Catholics not to recognize the instrument, or else to swear allegiance and then secretly take a counter oath. (*Diario oficial*, November 21, 1917.) The same tactics had been used by the clergy, it will be remembered, with regard to the Constitution of 1857 and the Reform Laws.

renting them or letting them out on a share basis to any landless persons who wished to cultivate them. The ownership of the land resided in the proprietor, the municipality merely assuming temporary possession, which lasted only until the crop was harvested. The law excepted from its application pastures that were in use, summer pastures, exhausted land which the owner had set aside to lie fallow for a period, and lands producing hardy plants and forests which according to the forestry laws should be preserved.

It will thus be seen that the objects of the Revolution of 1910-1920 were definite and beneficent, in proportion as its causes were deep-seated and of long standing. From the standpoint of these causes the struggle is comparable to the French Revolution or to that of Russia, and it compares favorably with either of them from the standpoint of moderation in conduct and rapidity of reconstruction. As the behavior of the Mexican clergy brought on the revolution leading to the Reform Laws, so the conduct of the landholders and exploiters, both native and foreign, was responsible for the Revolution of 1910-1920 and the incorporation of its results into the Constitution of 1917.

Long before the masses had reached the depths of wretchedness into which they afterwards sank, a Mexican author wrote: "The history of the native race is a story of tears and of suffering."⁴⁴ The condition of the proletariat, already sufficiently unhappy at the end of the colonial period, was not bettered in the slightest degree by the attainment of independence; the Reform Laws, as interpreted and applied, rendered the plight of the masses worse, and the pitiless exploitation fostered by Díaz drove them to the last extremity of poverty and degradation.

The leaders of the Revolution of 1910-1920 realized that no lasting peace was possible for Mexico until the enormities of injustice that had marred the history of the country should have been removed, at least in considerable measure. They undertook, therefore, the always difficult task of undoing the past. Their purpose was to redeem the oppressed

⁴⁴Pimentel, *Memoria sobre las causas*, p. 44.

masses. It is true that the property interests of many individuals have suffered; that the reformers themselves have not all been invariably immaculate; that fortunes have been made from this revolution as from previous ones, though doubtless to a lesser degree. It is true that excesses have been committed by bandit leaders and irresponsible groups who unfortunately have been considered in foreign countries as the true representatives of the revolution. Yet in the main idealism and altruism distinguished the conduct of the military commanders and the leaders of thought.

The spirit of the revolution, at its best, was well expressed in the instructions given by Salvador Alvarado, governor of Yucatán, to the commissioners whom he sent to every part of the state at the triumph of the revolution. They were directed to try to raise the morale of the Indians, to infuse into them a feeling of self-respect and a sense of human dignity, to give them hope for the future. The Indians should be made to understand that they were no longer to be enslaved for debt, that they were free to work for whom they pleased, that there would be no more military drafts, no *jefes políticos* or *rurales*.⁴⁵

A great and transcendent experiment has been undertaken in Mexico—the redemption of a race. As Spain attempted to conserve and adapt the civilization that she found, so now, after a long parenthesis of pitiless exploitation, the reawakened conscience of Mexico has striven to conserve, to reconcile and to adapt; to turn the hands of the clock back one hundred years, and to repair in some measure the injustice that a century had heaped upon the Indian masses. Into the rude struggle of economic forces has been injected a force of conscious humanity.

⁴⁵Salvador Alvarado, *Carta revolucionaria*. (Mérida), 1915.

BIBLIOGRAPHY¹

1. Out of a considerable number of works consulted, those here listed were found most useful for the subject under investigation.

PRIMARY MATERIALS

Abad y Queipo, Manuel, *Edicto, 16 de agosto de 1813*. In José María Luis Mora, *Obras sueltas*, Vol. I. Paris, 1836.

———, *Escrito presentado a Don Manuel Espinosa del Consejo de Estado y director único del Príncipe de la Paz en asuntos de real hacienda, dirigido a fin de que se suspendiese en las Américas la real cédula de 26 de diciembre de 1804 sobre enajenaciones de bienes raíces y cobro de capitales píos para la consolidación de vales reales*. (Ibid.)

———, *Estado moral y político en que se hallaba la población del Virreinato de la Nueva España en 1799*. (Ibid.)

———, *Representación a la Primera Regencia en que se describe compendiosamente el estado de fermentación que anunciaba un próximo rompimiento y se proponían medios con que tal vez se hubiera podido evitar*. (Ibid.)

———, *Representación a nombre de los labradores y comerciantes de Valladolid de Michoacán en que se demuestran con claridad los gravísimos inconvenientes de que se ejecute en las Américas la real cédula de 26 de diciembre de 1804, sobre enajenaciones de bienes raíces y cobro de capitales de capellanías y obras pías*. (Ibid.)

———, *Representación sobre la inmunidad personal del clero*. (Ibid.)

Acción mundial. A short-lived weekly published in Mexico City during part of the year 1916.

Al severo tribunal del público, las víctimas de Xuchitepec por la inquisición de Chalco. Mexico, (1861?).

Alvarado, Salvador, *Carta revolucionaria*. (Mérida), 1915.

Anuario estadístico de la república mexicana, 1893, 1900, 1901, 1902, 1903, 1904, 1907. Mexico.

Beleña, Eusebio Buenaventura, *Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta Nueva España y providencias de su superior gobierno; de varias reales cédulas y órdenes que después de publicada la recopilación de Indias han podido recogerse así de las dirigidas a la misma audiencia o gobierno como de algunas otras que por sus notables decisiones convendrá no ignorar*. 2 vols. Mexico, 1787.

Boletín oficial de la secretaría de agricultura y fomento, 1916, 1917, 1918, 1919. Mexico.

Bustamante, Carlos María de, *Campaña sin gloria y guerra como*

la de los cacomixtles, en las torres de las iglesias. Tenida en el recinto de México. Causada por haber persistido Don Valentín Gómez Fariás, Vice-presidente de la república mexicana en llevar adelante las leyes de 11 de enero y 4 de febrero de 1847, llamadas de manos muertas, que despojan al clero de sus propiedades con oposición casi general de la nación. Mexico, 1847.

Cabrera, Luis, *La reconstrucción de los ejidos de los pueblos como medio de suprimir la esclavitud del jornalero mexicano. Discurso pronunciado en la cámara de diputados el 3 de diciembre de 1912.* Mexico, 1913.

Carranza, Venustiano, *Report by Venustiano Carranza, First Chief of the Constitutionalist army in the city of Querétaro, state of Querétaro, Mexico, Friday, December 1, 1916.* New York, 1916.

Codificación de los decretos del C. Venustiano Carranza, primer jefe del ejército constitucionalista encargado del poder ejecutivo de la Unión. Mexico, 1915.

Código de la Reforma, o sea, colección de las leyes que afectan especialmente a los católicos y al clero, ordenada y anotada por Francisco Pascual García. Mexico, 1903.

Colección de los últimos decretos sobre contribuciones directas, potestad coactiva y papel sellado. Mexico, 1842.

Colección general de las providencias hasta aquí tomadas por el gobierno sobre el extrañamiento y ocupación de temporalidades de los regulares de la Compañía de Jesús que existían en los dominios de S. M. de España, Indias e Islas Filipinas, a consecuencia del real decreto de 27 de febrero y pragmática sanción de 2 de abril de este año. De orden del Consejo en el Extraordinario. Madrid, 1767.

Colección general de las providencias tomadas sobre el extrañamiento y ocupación de temporalidades de regulares de la extinguida orden de la Compañía de Jesús, que existían en los dominios de S. M. Parte quarta. Mexico, 1778.

Concilios provinciales primero y segundo celebrados en la ciudad de México en los años de 1555 y 1565. 2 vols. Mexico, 1769.

Consideraciones sobre la situación política y social de la república mexicana en el año 1847. Mexico, 1848.

Cuevas, Mariano, *Documentos inéditos del siglo XVI para la historia de México, colegidos y anotados por el P. Mariano Cuevas.* Mexico, 1914.

Departamento de impuestos. Circulares. Mexico, 1917.

Despojo de los bienes eclesiásticos. Mexico, 1847.

Diario oficial del supremo gobierno de los Estados Unidos Mexicanos. Mexico, 1917-1921.

Dictamen de la comisión de hacienda sobre una contribución predial. Mexico, 1822.

División territorial del estado de Chihuahua. Noticia alfabética por distritos de las ciudades, villas, pueblos, haciendas, ranchos, rancherías,

estaciones y congregaciones existentes en el estado de Chihuahua. Chihuahua, 1909.

Dublán, Manuel y Lozano, José María, *Legislación mexicana, o colección completa de las disposiciones legislativas expedidas desde la independencia de la república.* 34 vols. Mexico, 1876-1904.

El constitucionalista. *Diario oficial del gobierno constitucionalista de la república mexicana.* Mexico, 1914-1916.

El erario federal en el último decenio, 1869-1879. Mexico, 1879.

El gobierno constitucional a la nación, in Melchor Ocampo, *Obras completas, 1900-(1901?).*

Exposición que elevan al soberano congreso de la unión, varios propietarios pidiendo la insubsistencia de la llamada ley agraria. Mexico, 1861.

Figueroa Domenech, P., *Veinte meses de anarquía, crónica de los sucesos políticos ocurridos en México desde julio de 1911 a febrero de 1913; el interregno político, la administración maderista, D. Félix Díaz y la decena trágica.* Mexico, 1913.

García, Genaro y Pereyra, Carlos, *Documentos inéditos o muy raros para la historia de México.* Mexico, 1905-1911.

García Icazbalceta, Joaquín, *Nueva colección de documentos para la historia de México.* Mexico, 1886-1892.

Guerrero, Y., *Bienes eclesiásticos.* Mexico, 1865.

Instrucciones que los vireyes de Nueva España dejaron a sus sucesores. Añádense algunas que los mismos trajeron de la Corte y otros documentos semejantes a las instrucciones. Mexico, 1867.

Laws and Decrees of the Republic of Mexico in Relation to Colonization and Grants of Land, More Particularly in New Mexico and California from 1823 to 1846. New York, 1871.

Lerdo de Tejada, Miguel, *Memoria presentada al Exmo. Sr. Presidente de la República por el C. Miguel Lerdo de Tejada, dando cuenta de la marcha que han seguido los negocios de la Hacienda Pública en el tiempo que tuvo a su cargo la secretaría de este ramo.* México, 1857.

Lerdo de Tejada, Sebastián, *Memorias.* Mexico, (1896?).

Logan, Walter S., *Irrigation on the Yaqui River.* New York, 1892.

Lower California, its geography and characteristics, with a sketch of the grant and purposes of the Lower California Company. New York, 1868.

Madero, Francisco I., *La sucesión presidencial en 1910.* Mexico, 1909.

Manero, Vicente, *Documentos interesantes sobre colonización. Los ha reunido, puesto en orden cronológico y los publica Vicente E. Manero.* Mexico, 1878.

Maniau, Joaquín, *Compendio de la historia de la Real Hacienda de la Nueva España escrito en el año de 1714 por D. Joaquín Maniau, Oficial Mayor de la dirección y contaduría general del tabaco de dicho*

reyno y contador del Montepío de oficinas por S. M. Con notas y comentarios de Alberto M. Carreño. Mexico, 1914.

Manifiesto de Pascual Orozco, 15 de agosto, 1919. (n.p.)

Mar, Manuel del, *Historia de México escrita por Hernán Cortés aumentada con otros documentos y notas y adaptada a la ortografía moderna.* New York, 1828.

Maza, Francisco F. de la, *Código de colonización y terrenos baldíos de la república mexicana. Años de 1451 a 1892.* Mexico, 1893.

Melgarejo, Antonio D., *Los crímenes del zapatismo.* Mexico, 1913.

Melgarejo Randolph, L. y Fernández Rojas, J., *El congreso constituyente de 1917. Reseña histórica de los debates a que dieron lugar las reformas a la constitución de 1857 presentadas por el C. Venustiano Carranza. Extracto de todos los documentos parlamentarios de la época y apuntes biográficos de los constituyentes más notables.* Mexico, 1917.

Memoria de la dirección de justicia y negocios eclesiásticos, 1833. Mexico, 1833.

Memoria de hacienda y crédito público, 1838, 1869-1870. Mexico, 1870.

Memoria de la secretaría de fomento, 1865, 1867-1868, 1873, 1877-1882, 1883-1885, 1892-1896, 1905-1907, 1907-1908, 1908-1909, 1909-1910, 1910-1911, 1911-1912.

Memoria de las operaciones que han tenido lugar en la oficina especial de desamortización del distrito desde el 7 de enero en que se abrió hasta el 5 de diciembre de 1861, en que cesaron sus labores para continuarlas la Junta Superior de Hacienda creada en virtud de la ley de 17 de julio del mismo año.

Mexican Letter. Issued by the Mexican Bureau of Information, New York, from August 1, 1914, to June 24, 1915.

México por dentro y por fuera bajo el gobierno de los vireyes. O sea, enfermedades políticas que padece la capital de la Nueva España en casi todos los cuerpos de que se compone, y remedios que se deben aplicar para su curación. Manuscrito inédito que da a luz por primer suplemento al tomo quarto de la *Voz de la Patria*, Carlos María de Bustamante. Mexico, 1831.

Mora, José María Luis, *Revista política.* (Obras sueltas, Vol. I.)

Observaciones sobre la ley de 26 de febrero y sobre su reglamento. Mexico, 1865.

Ocampo, Melchor, *Exposición sobre las circulares de D. Melchor Ocampo.* Obras completas, Vol. II. Mexico, 1900-(1901?).

_____, *Respuesta primera que da Melchor Ocampo al señor autor de una impugnación que sobre obvenções hizo el mismo Ocampo al honorable Congreso de Michoacán.* Morelia, 1851.

Orozco, Wistano L., *Las víctimas de Río Abajo, o sea, la propiedad inmueble y las acciones penales.* Mexico, 1905.

_____, *Legislación y jurisprudencia sobre terrenos baldíos*. Mexico, 1895.

Padrón general de las casas que comprehenden los ocho cuarteles mayores en que está distribuida esta capital, valores de sus actuales arrendamientos comparados con los que rendían el año de 1796 para deducir el diez por ciento que se paga a la Hacienda Pública Nacional de México. Mexico, 1813.

Payno y Flores, Manuel, *Cuentas, gastos, acreedores y otros asuntos del tiempo de la intervención francesa y del imperio*. Obra escrita y publicada de orden del gobierno constitucional de la república por Manuel Payno. De 1861 a 1867. Mexico, 1867.

Peñafiel, Antonio, *Cuadro sinóptico informativo de la administración del Señor General Don Porfirio Díaz, presidente de la república, hasta 1909*. Mexico, 1910.

Ponce de León, Gregorio, *El interinato presidencial de 1911*. Mexico, 1912.

Portilla, Juan de la, *Episodio histórico del gobierno dictatorial del Señor Don Ignacio Comonfort en la República Mexicana. Años de 1856 y 1857. Escrito en propia defensa por Juan de la Portilla*. Mexico, 1861.

Reales ordenanzas para el establecimiento e instrucción de intendentes de ejército y provincia en el reino de la Nueva España. Madrid, 1786.

Recopilación de las circulares, reglamentos y acuerdos expedidos por las secretarías de estado adscritas a la Primera Jefatura del Ejército Constitucionalista. Mexico, 1916.

Recopilación de leyes de los reynos de las Indias, mandadas imprimir y publicar por la magestad católica del rey Don Carlos II, nuestro señor; va dividida en cuatro tomos, con el índice general, y al principio de cada tomo el especial de los títulos que contiene. Quinta edición. Madrid, 1841.

Reflexiones sobre la ley de 17 de mayo del corriente año (1847) que declara irredimibles los capitales pertenecientes a corporaciones y obras pías. Mexico, 1847.

Rodríguez de León Pinelo, Antonio, *Tratado de confirmaciones reales de encomiendas, oficios y casos en que se requieren para las Indias Occidentales*. Madrid, 1630.

Solórzano Pereyra, Juan de, *Política indiana*. Madrid, 1648.

Tercer censo de la república mexicana. Mexico, 1911.

Testory, l'Abbé, *El imperio y el clero mexicano*. Mexico, 1865.

Villamar, Aniceto, *Las leyes federales vigentes sobre tierras, bosques, aguas, ejidos, colonización y el gran registro de la propiedad, colección ordenada y anotada por Aniceto Villamar, 2a edición. Notablemente mejorada y enriquecida con una reseña histórica de la propiedad territorial en México por el Señor Moreno Cora*. Mexico, 1910.

Zurita, Alonso de, *Breve y sumaria relación de los señores, maneras*

y diferencias que avia de ellos en la Nueva España. Transcript, (1780?).

_____, *Historia de la Nueva España (siglo XVI)*. Madrid, 1909.

SECONDARY MATERIALS

Aguilar, Cándido, *Le Problème Mexicain*. Paris, 1919.

Aguirre Berlanga, M., *Revolución y reforma*. Mexico, 1918.

Alamán, Lucas, *Historia de México desde los primeros movimientos que prepararon su independencia en 1808 hasta la época presente*. Mexico, 1849-1850.

Altamira y Crevea, Rafael, *Historia de España y de la civilización española*. Barcelona, 1900-1911.

_____, *Derecho consuetudinario y economía popular de la provincia de Alicante*. Madrid, 1905.

Alvarado, Salvador, *La reconstrucción de México*. Mexico, 1919.

Bancroft, Hubert Howe, *Early American Chroniclers*. San Francisco, 1883.

_____, *History of Mexico, 1516-1887*. San Francisco, 1883-1890.

_____, *History of Mexico, being a popular history of the Mexican people from the earliest primitive civilization to the present time*. New York, 1914.

_____, *The Native Races of the Pacific States of North America*. New York, 1874-1876.

Bandelier, A. F. A., *On the Distribution and Tenure of Lands and the Customs with Respect to Inheritance Among the Ancient Mexicans*. Salem, 1878.

_____, *On the Social Organization and Mode of Government of the Ancient Mexicans*. Salem, 1879.

Biart, Lucien, *The Aztecs, their History, Manners, and Customs. From the French of Lucien Biart. Authorized translation by J. L. Garner*. Chicago, 1887.

Brinsmade, Robert Bruce, *El latifundismo mexicano*. Mexico, 1916.

_____, and Rolland, Modesto C., *Mexican Problems*. (n.p., 1916.)

Cabrera, Luis, *The Religious Question in Mexico*. New York, 1915.

Castellanos, E. Maqueo, *Algunos problemas nacionales*. Mexico, 1909.

Castillo, José R. del, *Historia de la revolución social de México*. Mexico, 1915.

Clavigero, Francesco Saverio, *The History of Mexico. Collected from Spanish and Mexican historians, from manuscripts and ancient paintings of the Indians. Together with the conquest of Mexico by the Spaniards, illustrated by engravings. With critical dissertations on*

the land, inhabitants, and animals of Mexico. Translated from the original Italian by Charles Cullen. 3 vols. Philadelphia, 1817.

Cosío, José L., *Monopolio y fraccionamiento de la propiedad rústica*. Mexico, 1914.

Desdèvis du Dezert, G., *L'Espagne de l'ancien régime*. 3 vols. *Les Institutions*, 1899; *La Société*, 1897; *La Richesse et la Civilization*. Paris, 1904.

Dresel, Gustavo, *A un pueblo errado un nuevo sermón de la montaña. Nuevos hombres, nuevas leyes, nueva organización política*. Mexico, 1912.

Escrìche, Joaquín, *Diccionario razonado de legislación y jurisprudencia*. Nueva edición aumentada con multitud de artículos nuevos sobre el derecho vigente en España y América. Lleva además en un suplemento el código de comercio. Paris, 1862.

Esquivel Obregón, Toribio, *Influencia de España y los Estados Unidos sobre México*. Madrid, 1913.

Enríquez, I. C., *The Religious Question in Mexico*, by a Mexican Catholic. New York, 1915.

Fernández, José Diego, *México, política experimental*. Mexico, 1919.

García Granados, Ricardo, *La constitución de 1857 y las leyes de reforma en México; estudio histórico-sociológico*. Mexico, 1906.

González Blanco, Edmundo, *Carranza y la revolución de México*. Madrid, 1916.

González Blanco, Pedro, *De Porfirio Díaz a Carranza. Conferencias dadas en el Ateneo de Madrid en los meses de mayo y abril de 1916*. Madrid, 1916.

González Roa, Fernando, *El aspecto agrario de la revolución mexicana*. Mexico, 1919.

_____ y Díaz Covarrubias, José, *El problema rural de México*. Mexico, 1917.

Guerrero, Julio, *La génesis del crimen en México*. Paris, 1901.

Humboldt, Alexander, *Political Essay on the Kingdom of New Spain*. Translated from the original French by John Black. 4 vols. New York, 1811.

Ixtlilxóchitl, Fernando de Alva, *Horribles crueldades de los conquistadores de México y de los indios que los auxiliaron para subyugarlo a la corona de Castilla. O sea, memoria escrita por D. Fernando de Alva Ixtlilxóchitl*. Publícala por suplemento a la Historia del padre Sahagún, Carlos María de Bustamante. Mexico, 1829.

Klein, Julius, *The Mesta. A Study in Spanish Economic History, 1273-1836*. Cambridge, 1920.

Lara y Pardo, Luis, *De Porfirio Díaz a Francisco Madero; la sucesión dictatorial de 1911*. New York, 1912.

León, Nicolás, *Compendio de la historia general de México*. Mexico, 1902.

Lozano, A. de J., *Diccionario razonado de legislación y jurisprudencia*

mexicana, por A. de J. Lozano, a quien le sirvió de fundamento, base y modelo para formarlo, el diccionario que sobre materias análogas españolas escribió Joaquín Escribche. Mexico, 1905.

Manero, Antonio, *¿Qué es la revolución? Breve exposición sobre las causas principales de la revolución constitucionalista en México*. Vera Cruz, 1915.

Martínez, Rafael, Carlos Samper y José L. Lomelín, *La revolución y sus hombres*. Mexico, 1912.

"Memoria sobre la población del reino de Nueva España," *Sociedad mexicana de geografía y estadística, Boletín*, Vol. II. Mexico, 1850.

Menéndez Mena, Rodolfo, *The Work of the Clergy and the Religious Persecution in Mexico*. Mérida. (n.d.)

Mexican Yearbook, 1920-1921. Los Angeles, 1922.

Molina Enríquez, Andrés, *Los grandes problemas nacionales*. Mexico, 1909.

Mora, José María Luis, *México y sus revoluciones*. Paris, 1836.

Navarro y Noriega, *Memoria sobre la población del reino de Nueva España*. Mexico, 1850.

Neve, C. A., "Estadística de Anáhuac, mandada formar después de la toma de México en 1519, por el conquistador Hernán Cortés, con algunas observaciones de C. A. Neve," *Sociedad mexicana de geografía y estadística*, Ser. II, Vol. II. Mexico, 1870.

Orozco y Berra, Manuel, *Geografía de las lenguas y carta etnográfica de México precedidas de un ensayo de clasificación de las mismas lenguas y de apuntes para la inmigración de las tribus*. Mexico, 1864.

Otero, M., *Ensayo sobre el verdadero estado de la cuestión social y política que se agita en la república mexicana*. Mexico, 1842.

Padilla González, F., *Perfiles rojos: artículos revolucionarios*. Vera Cruz, 1915.

Parra, Porfirio, *La Reforma en México*. Mexico, 1915.

Pimentel, Francisco, *La economía política aplicada a la propiedad territorial de México*. In Vol. III of *Obras completas*, 3 vols. Mexico, 1903-1904.

_____, *Memoria sobre las causas que han originado la situación actual de la raza indígena de México y medios para remediarla*. Mexico, 1864.

Planchet, Regis, *La cuestión religiosa en México, o sea, vida de Benito Juárez*. Rome, 1906.

Portilla, Anselmo de la, *España en América. Cuestiones históricas y sociales*. Madrid, 1871.

_____, *México en 1856 y 1857. Gobierno del General Comonfort*. New York, (1858).

Priestley, Herbert Ingram, José de Gálvez, *Visitor-general of New Spain, 1765-1771*. Berkeley, 1916.

Red Papers of Mexico; exposé of the great científico conspiracy to

eliminate D. Venustiano Carranza; documents relating to the embroglio between Villa and Carranza. New York, 1914.

Riva Palacio, Vicente, *México a través de los siglos. Historia general y completa*. 5 vols. Barcelona, 1888.

Rivera, Agustín, *Principios críticos sobre el virreinato de la Nueva España y sobre la revolución de la independencia*. 3 vols. San Juan de los Lagos, 1884-1888.

Rivera de la Torre, Antonio, *Paralelismo de hombres y caracteres, Juárez-Carranza; asuntos varios del constitucionalismo*. Mexico, 1918.

Rodríguez de San Miguel, Juan, *Guía de México*. Mexico, 1845.

Rolland, Modesto C., *The Religious Question in Mexico; Open Letter to Monseigneur Kelly*. New York, 1916.

———, *Revolutionary Confederation. Conferences held at Vera Cruz December 7 and 23. The agrarian question and practical means of solving the problem*. Vera Cruz, (1914).

Savary, Hélié-Robert, "L'église et l'état au Mexique," *Le Correspondant*, Vol. CCXXV (n.s.v. 189). Paris, 1906.

Sierra, Justo, *México, su evolución social*. 3 vols. Mexico, 1900-1901.

Sosa, Francisco, *El episcopado mexicano*. Mexico, 1877.

Starr, Frederic, "The Mexican People," *Journal of International Relations*, Vol. XI.

Velasco, Émile, "Étude sur les relations entre l'état et l'église dans la république du Mexique." *Société de législation comparée, Bulletin*, année 27. Paris, 1906.

Vera, Fortuno Hipólito, *Catecismo geográfico-histórico-estadístico de la iglesia mexicana*. (Amecameca, México?), 1881.

Zamaçois, Niceto de, *Historia de Méjico desde sus tiempos más remotos hasta nuestros días. Parte contemporánea, los últimos 33 años (1867-1900) por F. G. Cosmes continuada por Carlos Pereyra*. 22 vols. Barcelona, 1876-1902.

Zayas Enríquez, Rafael de, *Los Estados Unidos Mexicanos: sus progresos en veinte años de paz, 1877-1897. Estudio histórico y estadístico, fundado en los datos oficiales más recientes y completos*. New York, (1900?).

———, *La redención de una raza. Estudio sociológico*. Mexico, 1887.

Zerecero, Anastasio, *Memoria para la historia de las revoluciones en México*. Mexico, 1869.

